

I-1

## [COMMITTEE PRINT]

SEPTEMBER 29, 1999

**AMENDMENT IN THE NATURE  
OF A SUBSTITUTE TO H.R. 2  
OFFERED BY MR. GOODLING OF PENNSYLVANIA**

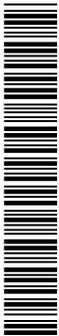
Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Students Results Act  
3 of 1999”.

**4 SEC. 2. REFERENCES.**

5 Except as otherwise expressly provided, whenever in  
6 this Act an amendment or repeal is expressed in terms  
7 of an amendment to, or repeal of, a title, chapter, part,  
8 subpart, section, subsection, or other provision, the ref-  
9 erence shall be considered to be made to a title, chapter,  
10 part, subpart, section, subsection, or other provision of the  
11 Elementary and Secondary Education Act of 1965. (20  
12 U.S.C. 6301 et seq.).



1           **TITLE I—STUDENT RESULTS**

2                           **PART A—BASIC PROGRAM**

3   **SEC. 101. LOW-ACHIEVING CHILDREN MEET HIGH STAND-**  
4                           **ARDS.**

5           The heading for title I is amended by striking “**DIS-**  
6   **ADVANTAGED**” and inserting “**LOW-ACHIEV-**  
7   **ING**”.

8   **SEC. \_\_\_\_ . PURPOSES AND INTENT.**

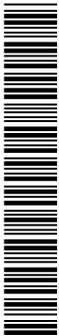
9           Section 1001 (20 U.S.C. 6301) is amended to read  
10 as follows:

11   **“SEC. 1001. FINDINGS; STATEMENT OF PURPOSE; AND REC-**  
12                           **OGNITION OF NEED.**

13           “(a) FINDINGS.—Congress finds the following:

14                   “(1) Schools that enroll high concentrations of  
15                   children living in poverty face the greatest challenges  
16                   but effective educational strategies based on scientif-  
17                   ically based research can succeed in educating chil-  
18                   dren to high standards.

19                   “(2) High-poverty schools are much more likely  
20                   to be identified as failing to meet State standards  
21                   for satisfactory progress. As a result, these schools  
22                   are generally the most in need of additional re-  
23                   sources and technical assistance to build the capac-  
24                   ity of these schools to address the many needs of  
25                   their students.



## I-3

1           “(3) The educational progress of children par-  
2           ticipating in programs under this title is closely as-  
3           sociated with their being taught by a highly qualified  
4           staff, particularly in schools with the highest con-  
5           centrations of poverty, where paraprofessionals,  
6           uncertified teachers, and teachers teaching out of  
7           field frequently provide instructional services.

8           “(4) Congress and the public would benefit  
9           from additional data in order to evaluate the efficacy  
10          of the changes made to Title I in the Improving  
11          America’s Schools Act of 1994,

12          “(5) States, local educational agencies, and  
13          schools should be given as much flexibility as pos-  
14          sible in exchange for greater accountability for im-  
15          proving student achievement.

16          “(6) Programs funded under this part must  
17          demonstrate increased effectiveness in improving  
18          schools in order to ensure all children achieve to  
19          high standards.

20          “(b) PURPOSE AND INTENT.—The purpose and in-  
21          tent of this title are to ensure that all children have a  
22          fair and equal opportunity to obtain a high quality edu-  
23          cation.

24          “(c) RECOGNITION OF NEED.—The Congress recog-  
25          nizes that—



## I-4

1           “(1) educational needs are particularly great for  
2           low-achieving children in our Nation’s highest-pov-  
3           erty schools, children with limited English pro-  
4           ficiency, children of migrant workers, children with  
5           disabilities, Indian children, children who are ne-  
6           glected or delinquent and young children and their  
7           parents who are in need of family-literacy services;

8           “(2) despite more than 3 decades of Federal as-  
9           sistance, a sizable achievement gap remains between  
10          minority and nonminority students, and between dis-  
11          advantaged students and their more advantaged  
12          peers;

13          “(3) too many students must attend local  
14          schools that fail to provide them with a quality edu-  
15          cation, and are given no alternatives to enable them  
16          to receive a quality education;

17          “(4) States, local educational agencies and  
18          schools should be held accountable for improving the  
19          academic achievement of all students, and for identi-  
20          fying and turning around low-performing schools;  
21          and

22          “(5) Federal education assistance is intended  
23          not only to increase pupil achievement overall, but  
24          also more specifically and importantly, to help en-  
25          sure that all pupils, especially the disadvantaged,



## I-5

1 meet challenging standards for curriculum content  
2 and pupil performance. It can only be determined if  
3 schools, local educational agencies, and States, are  
4 reaching this goal if pupil achievement results are  
5 reported specifically by disadvantaged and minority  
6 status.

7 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) LOCAL EDUCATIONAL AGENCY GRANTS.—Sub-  
9 section (a) of section 1002 (20 U.S.C. 6302(a)) is amend-  
10 ed by striking “\$7,400,000,000 for fiscal year 1995” and  
11 inserting “\$8,350,000,000 for fiscal year 2000”.

12 (b) EDUCATION OF MIGRATORY CHILDREN.—Sub-  
13 section (c) of section 1002 (20 U.S.C. 6302(c)) is amend-  
14 ed by striking “\$310,000,000 for fiscal year 1995” and  
15 inserting “\$400,000,000 for fiscal year 2000”.

16 (c) PREVENTION AND INTERVENTION PROGRAMS  
17 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT  
18 RISK OF DROPPING OUT.—Subsection (d) of section 1002  
19 (20 U.S.C. 6302(d)) is amended by striking “\$40,000,000  
20 for fiscal year 1995” and inserting “\$50,000,000 for fiscal  
21 year 2000”.

22 (d) CAPITAL EXPENSES.—Subsection (e) of section  
23 1002 (20 U.S.C. 6302(e)) is amended to read as follows:

24 “(e) CAPITAL EXPENSES.—For the purpose of car-  
25 rying out section 1120(e), there are authorized to be ap-



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1 appropriated \$24,000,000 for fiscal year 2000, \$16,000,000  
2 for fiscal year 2001, and \$8,000,000 for fiscal year  
3 2002.”.

4 (e) ADDITIONAL ASSISTANCE.—Subsection (f) of sec-  
5 tion 1002 is repealed.

6 (f) STATE ADMINISTRATION.—Section 1002 is  
7 amended by adding at the end the following:

8 “(h) STATE ADMINISTRATION.—

9 “(1) STATE RESERVATION.—Each State may  
10 reserve, from the grants it receives under parts A,  
11 C, and D, of this title, an amount equal to the  
12 greater of 1 percent of the amount it received under  
13 parts A, C, and D, for fiscal year 1999, or \$400,000  
14 (\$50,000 for each outlying area), to carry out ad-  
15 ministrative duties assigned under parts A, C, and  
16 D.

17 “(2) Authorization of appropriations.—There  
18 are authorized to be appropriated for fiscal year  
19 2000 and for each of the 4 succeeding fiscal years,  
20 such sums as may be necessary for additional State  
21 administration grants. Any such additional grants  
22 shall be allocated among the States in proportion to  
23 the grants received by each State for that fiscal year  
24 under parts A, C, and D of this title.”



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1           “(3) SPECIAL RULE.—The amount allocated to  
2           each State under this subsection may not exceed the  
3           amount of State funds expended by the State edu-  
4           cational agency to administer elementary and sec-  
5           ondary education programs in such State.”

6           (g) SCHOOL IMPROVEMENT.—Each State may re-  
7           serve for the purpose of carrying out its duties under sec-  
8           tion 1116 and 1117, the greater of one half of 1 percent  
9           of the amount allocated under this part, or \$200,000.

10 **SEC. \_\_\_\_ . RESERVATION AND ALLOCATION.**

11           Section 1003 (20 U.S.C. 6303) is repealed.

12 **SEC. \_\_\_\_ . STATE PLANS.**

13           Section 1111 (20 U.S.C. 6311) is amended to read  
14 as follows:

15 **“SEC. 1111. STATE PLANS.**

16           “(a) PLANS REQUIRED.—

17           “(1) IN GENERAL.—Any State desiring to re-  
18           ceive a grant under this part shall submit to the  
19           Secretary a plan, developed in consultation with local  
20           educational agencies, teachers, pupil services per-  
21           sonnel, administrators (including administrators of  
22           programs described in other parts of this title),  
23           other staff, and parents, that satisfies the require-  
24           ments of this section and that is coordinated with  
25           other programs under this Act, the Individuals with



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1 Disabilities Education Act, the Carl D. Perkins Vo-  
2 cational and Technical Education Act of 1998, and  
3 the Head Start Act.

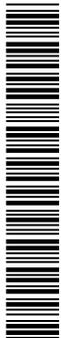
4 “(2) CONSOLIDATED PLAN.—A State plan sub-  
5 mitted under paragraph (1) may be submitted as  
6 part of a consolidated plan under section 14302.

7 “(b) STANDARDS, ASSESSMENTS, AND ACCOUNT-  
8 ABILITY.—

9 “(1) CHALLENGING STANDARDS.—(A) Each  
10 State plan shall demonstrate that the State has  
11 adopted challenging content standards and chal-  
12 lenging student performance standards that will be  
13 used by the State, its local educational agencies, and  
14 its schools to carry out this part, except that a State  
15 shall not be required to submit such standards to  
16 the Secretary.

17 “(B) The standards required by subparagraph  
18 (A) shall be the same standards that the State ap-  
19 plies to all schools and children in the State.

20 “(C) The State shall have such standards for  
21 elementary and secondary school children served  
22 under this part in subjects determined by the State,  
23 but including at least mathematics and reading or  
24 language arts, which shall include the same knowl-



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1 edge, skills, and levels of performance expected of all  
2 children.

3 “(D) Standards under this paragraph shall  
4 include—

5 “(i) challenging content standards in aca-  
6 demic subjects that—

7 “(I) specify what children are ex-  
8 pected to know and be able to do;

9 “(II) contain coherent and rigorous  
10 content; and

11 “(III) encourage the teaching of ad-  
12 vanced skills;

13 “(ii) challenging student performance  
14 standards that—

15 “(I) are aligned with the State’s con-  
16 tent standards;

17 “(II) describe two levels of high per-  
18 formance, proficient and advanced, that  
19 determine how well children are mastering  
20 the material in the State content stand-  
21 ards;

22 “(III) describe a third level of per-  
23 formance, basic, to provide complete infor-  
24 mation about the progress of the lower  
25 performing children toward achieving to



## I-10

1 the proficient and advanced levels of per-  
2 formance; and

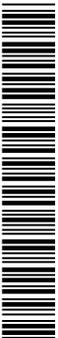
3 “(IV) describe a fourth level of per-  
4 formance, below basic, to provide complete  
5 information about the progress of the low-  
6 est performing children toward achieving  
7 to the basic, proficient, and advanced levels  
8 of performance.

9 “(E) For the subjects in which students will be  
10 served under this part, but for which a State is not  
11 required by subparagraphs (A), (B), and (C) to de-  
12 velop, and has not otherwise developed such stand-  
13 ards, the State plan shall describe a strategy for en-  
14 suring that such students are taught the same  
15 knowledge and skills and held to the same expecta-  
16 tions as are all children.

17 “(F) If the State fails to demonstrate that it  
18 has in place its challenging State content and chal-  
19 lenging student performance standards as required  
20 by subsection (b)(1), administrative funds shall be  
21 withheld in such amount as the Secretary deter-  
22 mines until such standards are implemented.

23 “(2) ADEQUATE YEARLY PROGRESS.—

24 “(A) Each State plan shall demonstrate,  
25 based on assessments described under para-



## I-11

1 graph (3), what constitutes adequate yearly  
2 progress of—

3 “(i) any school served under this part  
4 toward enabling all children to meet the  
5 State’s challenging student performance  
6 standards;

7 “(ii) any local educational agency that  
8 received funds under this part toward ena-  
9 bling all children in schools receiving as-  
10 sistance under this part to meet the  
11 State’s challenging student performance  
12 standards; and

13 “(iii) the State in enabling all children  
14 in schools receiving assistance under this  
15 part to meet the State’s challenging stu-  
16 dent performance standards.

17 “(B) Adequate yearly progress shall be de-  
18 fined in a manner that—

19 “(i) applies the same high standards  
20 of academic performance to all students in  
21 the State;

22 “(ii) takes into account the progress  
23 of all students in the State and in each  
24 local educational agency and school served  
25 under section 1114 or 1115; and



## I-12

1                   “(iii) uses the State challenging con-  
2                   tent and challenging student performance  
3                   standards and assessments described in  
4                   paragraphs (1) and (4);

5                   “(iv) compares separately, within each  
6                   State, local educational agency, and school,  
7                   the performance and progress of students  
8                   by gender, each major ethnic and racial  
9                   group, by English proficiency status, by  
10                  migrant status, by students with disabili-  
11                  ties as compared to nondisabled students,  
12                  and by economically disadvantaged stu-  
13                  dents as compared to students who are not  
14                  economically disadvantaged (except that  
15                  such disaggregation shall not be required  
16                  in a case in which the number of students  
17                  in a category is insufficient to yield statis-  
18                  tically reliable information or the results  
19                  would reveal individually identifiable infor-  
20                  mation about an individual student);

21                  “(v) compares the proportions of stu-  
22                  dents at the ‘below basic’, ‘basic’, ‘pro-  
23                  ficient’, and ‘advanced’ levels of perform-  
24                  ance with the proportions of students at



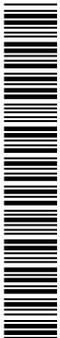
## I-13

1 each of the 4 levels in the same grade in  
2 the previous school year;

3 “(vi) at the State’s discretion, may  
4 also include other academic measures such  
5 as promotion, completion of college pre-  
6 paratory courses, and high school comple-  
7 tion, except that inclusion of such other  
8 measures may not decrease the number or  
9 percentage of schools or local educational  
10 agencies that would otherwise be subject to  
11 improvement or corrective action under  
12 section 1116 if the discretionary indicators  
13 were not included;

14 “(vii) includes annual numerical goals  
15 for improving the performance of all  
16 groups specified in clause (iv) and nar-  
17 rowing gaps in performance between these  
18 groups;

19 “(viii) includes a timeline for ensuring  
20 that each group of students described in  
21 clause (iv) meets or exceeds the State’s  
22 proficient level of performance on each  
23 State assessment used for the purposes of  
24 section 1111 and section 1116 within 10



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1           years from the date of enactment of the  
2           Student Results Act of 1999.

3           “(C)    ANNUAL    IMPROVEMENT    FOR  
4           STATES.—For a State to make adequate yearly  
5           progress under subparagraph (A)(iii), not less  
6           than 90 percent of the local educational agen-  
7           cies within its jurisdiction shall meet the State’s  
8           criteria for adequate yearly progress.

9           “(D)    ANNUAL    IMPROVEMENT    FOR LOCAL  
10          EDUCATIONAL    AGENCIES.—For a local edu-  
11          cational    agency to make adequate yearly  
12          progress under subparagraph (A)(ii), not less  
13          than 90 percent of the schools within its juris-  
14          diction must meet the State’s criteria for ade-  
15          quate yearly progress.

16          “(E)    ANNUAL    IMPROVEMENT    FOR  
17          SCHOOLS.—For a school to make adequate  
18          yearly progress under subparagraph (A)(i), not  
19          less than 90 percent of each group of students  
20          described in subparagraph (A)(iv) who are en-  
21          rolled in such school are required to take the  
22          assessments    consistent    with    section  
23          612(a)(17)(A) of the Individuals with Disabil-  
24          ities    Education    Act    and    section



## I-15

1 1111(b)(4)(F)(iv) on which adequate yearly  
2 progress is based.

3 “(F) PUBLIC NOTICE AND COMMENT.—  
4 Each State shall ensure that in developing its  
5 plan for adequate yearly progress, it diligently  
6 seeks public comment from a range of institu-  
7 tions and individuals in the State with an inter-  
8 est in improved student achievement and that  
9 the State makes and will continue to make a  
10 substantial effort to ensure that information  
11 under this part is widely known and understood  
12 by the public, parents, teachers, and school ad-  
13 ministrators throughout the State. Such efforts  
14 shall include, at a minimum, publication of such  
15 information and explanatory text, broadly to the  
16 public through such means as the Internet, the  
17 media, and public agencies.

18 “(G) REVIEW.—The Secretary shall review  
19 the information from States on the adequate  
20 yearly progress of schools and local educational  
21 agencies required under subparagraphs (A) and  
22 (B) for the purpose of determining State and  
23 local compliance with section 1116.

24 “(3) STATE AUTHORITY.—If a State edu-  
25 cational agency provides evidence, which is satisfac-



## I-16

1 tory to the Secretary, that neither the State edu-  
2 cational agency nor any other State government offi-  
3 cial, agency, or entity has sufficient authority, under  
4 State law, to adopt curriculum content and student  
5 performance standards, and assessments aligned  
6 with such standards, which will be applicable to all  
7 students enrolled in the State's public schools, then  
8 the State educational agency may meet the require-  
9 ments of this subsection by—

10 “(A) adopting standards and assessments  
11 that meet the requirements of this subsection,  
12 on a statewide basis, limiting their applicability  
13 to students served under this part; or

14 “(B) adopting and implementing policies  
15 that ensure that each local educational agency  
16 in the State which receives grants under this  
17 part will adopt curriculum content and student  
18 performance standards, and assessments  
19 aligned with such standards, which meet all of  
20 the criteria in this subsection and any regula-  
21 tions regarding such standards and assessments  
22 which the Secretary may publish, and which are  
23 applicable to all students served by each such  
24 local educational agency.



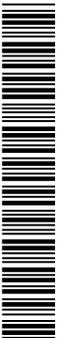
## I-17

1           “(4) ASSESSMENTS.—Each State plan shall  
2 demonstrate that the State has implemented a set of  
3 high-quality, yearly student assessments that in-  
4 clude, at a minimum, assessments in mathematics  
5 and reading or language arts, that will be used,  
6 starting not later than the 2000–2001 school year,  
7 as the primary means of determining the yearly per-  
8 formance of each local educational agency and school  
9 served under this title in enabling all children served  
10 under this part to meet the State’s challenging stu-  
11 dent performance standards. Such assessments  
12 shall—

13           “(A) be the same assessments used to  
14 measure the performance of all children, if the  
15 State measures the performance of all children;

16           “(B) be aligned with the State’s chal-  
17 lenging content and student performance stand-  
18 ards and provide coherent information about  
19 student attainment of such standards;

20           “(C) be used for purposes for which such  
21 assessments are valid and reliable, and be con-  
22 sistent with relevant, nationally recognized pro-  
23 fessional and technical standards for such as-  
24 sessments;



## I-18

1           “(D) measure the proficiency of students  
2           in the academic subjects in which a State has  
3           adopted challenging content and student per-  
4           formance standards and be administered not  
5           less than one or more times during—

6                   “(i) grades 3 through 5;

7                   “(ii) grades 6 through 9; and

8                   “(iii) grades 10 through 12;

9           “(E) involve multiple up-to-date measures  
10          of student performance, including measures  
11          that assess higher order thinking skills and un-  
12          derstanding;

13          “(F) provide for—

14                   “(i) the participation in such assess-  
15                   ments of all students;

16                   “(ii) the reasonable adaptations and  
17                   accommodations for students with disabil-  
18                   ities defined under 602(3) of the Individ-  
19                   uals with Disabilities Education Act nec-  
20                   essary to measure the achievement of such  
21                   students relative to State content and  
22                   State student performance standards;

23                   “(iii) the inclusion of limited English  
24                   proficient students who shall be assessed,  
25                   to the extent practicable, in the language



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1 and form most likely to yield accurate and  
2 reliable information on what such students  
3 know and can do in content areas;

4 “(iv) notwithstanding clause (iii), the  
5 assessment (using tests written in English)  
6 of reading or language arts of any student  
7 who has attended school in the United  
8 States (not including Puerto Rico) for 3 or  
9 more consecutive school years, except if the  
10 local educational agency determines, on a  
11 case-by-case individual basis, that assess-  
12 ments in another language and form would  
13 likely yield more accurate and reliable in-  
14 formation on what such students know and  
15 can do, the local educational agency may  
16 assess such students in the appropriate  
17 language other than English for 1 addi-  
18 tional year; and

19 “(G) include students who have attended  
20 schools in a local educational agency for a full  
21 academic year but have not attended a single  
22 school for a full academic year, except that the  
23 performance of students who have attended  
24 more than one school in the local educational  
25 agency in any academic year shall be used only



## I-20

1 in determining the progress of the local edu-  
2 cational agency;

3 “(H) provide individual student reports,  
4 which include assessment scores, or other infor-  
5 mation on the attainment of student perform-  
6 ance standards; and

7 “(I) enable results to be disaggregated  
8 within each State, local educational agency, and  
9 school by gender, by each major racial and eth-  
10 nic group, by English proficiency status, by mi-  
11 grant status, by students with disabilities as  
12 compared to nondisabled students, and by eco-  
13 nomically disadvantaged students as compared  
14 to students who are not economically disadvan-  
15 taged.

16 “(5) SPECIAL RULE.—

17 “(A) IN GENERAL.—Assessment measures  
18 that do not meet the requirements of paragraph  
19 (4)(C) may be included as one of the multiple  
20 measures, if a State includes in the State plan  
21 information regarding the State’s efforts to  
22 validate such measures.

23 “(B) STUDENT PROFICIENCY IN GRADES  
24 K-2.—States may measure the proficiency of  
25 students in the academic subjects in which a



## I-21

1 State has adopted challenging content and stu-  
2 dent performance standards one or more times  
3 during grades K-2.

4 “(6) LANGUAGE ASSESSMENTS.—Each State  
5 plan shall identify the languages other than English  
6 that are present in the participating student popu-  
7 lation and indicate the languages for which yearly  
8 student assessments are not available and are need-  
9 ed. The State shall make every effort to develop  
10 such assessments and may request assistance from  
11 the Secretary if linguistically accessible assessment  
12 measures are needed. Upon request, the Secretary  
13 shall assist with the identification of appropriate as-  
14 sessment measures in the needed languages, but  
15 shall not mandate a specific assessment or mode of  
16 instruction.

17 “(7) ASSESSMENT DEVELOPMENT.—A State  
18 shall develop, and implement State assessments that  
19 are aligned to challenging State content standards  
20 that include, at a minimum, mathematics and read-  
21 ing or language arts by the 2000-2001 school year.

22 “(8) REQUIREMENT.—Each State plan shall  
23 describe—

24 “(A) how the State educational agency will  
25 assist each local educational agency and school



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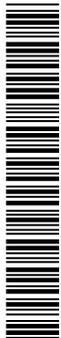
1 affected by the State plan to develop the capac-  
2 ity to comply with each of the requirements of  
3 sections 1112(c)(1)(D), 1114(b), and 1115(c)  
4 that is applicable to such agency or school; and

5 “(B) such other factors the State considers  
6 appropriate to provide students an opportunity  
7 to achieve the knowledge and skills described in  
8 the challenging content standards adopted by  
9 the State.

10 “(c) OTHER PROVISIONS TO SUPPORT TEACHING  
11 AND LEARNING.—Each State plan shall contain assur-  
12 ances that—

13 “(1) the State educational agency will work  
14 with other agencies, including educational service  
15 agencies or other local consortia, and institutions to  
16 provide technical assistance to local educational  
17 agencies and schools to carry out the State edu-  
18 cational agency’s responsibilities under this part, in-  
19 cluding technical assistance in providing professional  
20 development under section 1119 and technical as-  
21 sistance under section 1117; and

22 “(2)(A) where educational service agencies  
23 exist, the State educational agency will consider pro-  
24 viding professional development and technical assist-  
25 ance through such agencies; and



## I-23

1           “(B) where educational service agencies do not  
2 exist, the State educational agency will consider pro-  
3 viding professional development and technical assist-  
4 ance through other cooperative agreements such as  
5 through a consortium of local educational agencies;

6           “(3) the State educational agency will notify  
7 local educational agencies and the public of the con-  
8 tent and student performance standards and assess-  
9 ments developed under this section, and of the au-  
10 thority to operate schoolwide programs, and will ful-  
11 fill the State educational agency’s responsibilities re-  
12 garding local educational agency improvement and  
13 school improvement under section 1116, including  
14 such corrective actions as are necessary;

15           “(4) the State educational agency will provide  
16 the least restrictive and burdensome regulations for  
17 local educational agencies and individual schools par-  
18 ticipating in a program assisted under this part;

19           “(5) the State educational agency will inform  
20 the Secretary and the public of how Federal laws, if  
21 at all, hinder the ability of States to hold local edu-  
22 cational agencies and schools accountable for stu-  
23 dent academic performance;

24           “(6) the State educational agency will encour-  
25 age schools to consolidate funds from other Federal,



## I-24

1 State, and local sources for schoolwide reform in  
2 schoolwide programs under section 1114;

3 “(7) the State educational agency will modify or  
4 eliminate State fiscal and accounting barriers so  
5 that schools can easily consolidate funds from other  
6 Federal, State, and local sources for schoolwide pro-  
7 grams under section 1114;

8 “(8) the State educational agency has involved  
9 the committee of practitioners established under sec-  
10 tion 1603(b) in developing the plan, and monitoring  
11 its implementation; and

12 “(9) the State educational agency will inform  
13 local educational agencies of the local educational  
14 agency’s authority to obtain waivers under title XIV  
15 and, if the State is an Ed-Flex Partnership State,  
16 waivers under the Education Flexibility Partnership  
17 Act of 1999.

18 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—  
19 The Secretary shall—

20 “(1) establish a peer review process to assist in  
21 the review of State plans;

22 “(2) approve a State plan after its submission  
23 unless the Secretary determines that the plan does  
24 not meet the requirements of this section;



## I-25

1           “(3) if the Secretary determines that the State  
2           plan does not meet the requirements of subsection  
3           (a), (b), or (c), immediately notify the State of such  
4           determination and the reasons for such determina-  
5           tion;

6           “(4) not decline to approve a State’s plan  
7           before—

8           “(A) offering the State an opportunity to  
9           revise its plan;

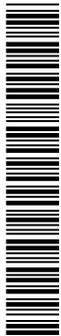
10           “(B) providing technical assistance in  
11           order to assist the State to meet the require-  
12           ments under subsections (a), (b), and (c); and

13           “(C) providing a hearing;

14           “(5) have the authority to disapprove a State  
15           plan for not meeting the requirements of this part,  
16           but shall not have the authority to require a State,  
17           as a condition of approval of the State plan, to in-  
18           clude in, or delete from, such plan one or more spe-  
19           cific elements of the State’s content standards or to  
20           use specific assessment instruments or items; and

21           “(6) States shall revise their plans if necessary  
22           to satisfy the requirements of this section.

23           Revised plans under paragraph (6) shall be submitted to  
24           the Secretary for approval not later than 1 year after the  
25           date of the enactment of the Student Results Act of 1999.



## I-26

1 “(e) DURATION OF THE PLAN.—

2 “(1) IN GENERAL.—Each State plan shall—

3 “(A) be submitted for the first year for  
4 which this part is in effect after the date of the  
5 enactment of the Student Results Act of 1999;

6 “(B) remain in effect for the duration of  
7 the State’s participation under this part; and

8 “(C) be periodically reviewed and revised  
9 by the State, as necessary, to reflect changes in  
10 the State’s strategies and programs under this  
11 part.

12 “(2) ADDITIONAL INFORMATION.—If the State  
13 makes significant changes in its plan, such as the  
14 adoption of new State content standards and State  
15 student performance standards, new assessments, or  
16 a new definition of adequate yearly progress, the  
17 State shall submit such information to the Sec-  
18 retary.

19 “(f) LIMITATION ON CONDITIONS.—Nothing in this  
20 part shall be construed to authorize an officer or employee  
21 of the Federal Government to mandate, direct, or control  
22 a State, local educational agency, or school’s specific in-  
23 structional content or student performance standards and  
24 assessments, curriculum, or program of instruction, as a  
25 condition of eligibility to receive funds under this part.



## I-27

1 “(g) PENALTIES.—

2 “(1) IN GENERAL.—If a State fails to meet the  
3 statutory deadlines for demonstrating that it has in  
4 place challenging content standards and student per-  
5 formance standards and assessments, and a system  
6 for measuring and monitoring adequate yearly  
7 progress, the State shall be ineligible to receive any  
8 administrative funds under section 1002(g) that ex-  
9 ceed the amount received by the State for such pur-  
10 pose in the previous year.

11 “(2) ADDITIONAL FUNDS.—Based on the extent  
12 to which such content standards, performance stand-  
13 ards, assessments, and monitoring of adequate year-  
14 ly progress, are not in place, additional administra-  
15 tive funds shall be withheld in such amount as the  
16 Secretary determines appropriate, except that for  
17 each additional year that the State fails to comply  
18 with such requirements, the Secretary shall withhold  
19 not less than  $\frac{1}{5}$  of the amount the State receives for  
20 administrative expenses under section 1002(g).

21 “(3) WAIVER.—Notwithstanding title XIV of  
22 this Act and the Education Flexibility Partnership  
23 Act or any other provision of law, a waiver shall not  
24 be granted except that a State may request a 1-time,



1 1-year waiver to meet the requirements of this sec-  
2 tion.”.

3 “(h) SCHOOL REPORT CARDS.—

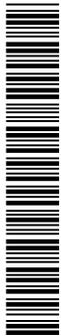
4 “(1) IN GENERAL.—

5 “(A) ANNUAL REPORT.—Except as pro-  
6 vided in subparagraph (C), not later than the  
7 beginning of the 2001–2002 school year, a  
8 State that receives assistance under this Act  
9 shall prepare and disseminate an annual report  
10 on all schools that receive funds under this  
11 part. A State that publishes State report cards  
12 on education shall include in such report cards  
13 information described in paragraph (2). A State  
14 that publishes a report card on all public  
15 schools in the State shall include, at a min-  
16 imum, the information described in paragraph  
17 (2) for all schools that receive funds under this  
18 part.

19 “(B) IMPLEMENTATION.—The State shall  
20 ensure implementation of these report cards at  
21 all levels. Annual report cards under this sec-  
22 tion shall be—

23 “(i) concise; and

24 “(ii) presented in a format and man-  
25 ner that parents can understand, and



## I-29

1           which, to the extent practicable, shall be in  
2           a language the parents can understand.

3           “(C) OTHER MEANS.—In the event the  
4           State provides no such report card, the State  
5           shall, not later than the beginning of the 2001–  
6           2002 school year, publicly report the informa-  
7           tion described in paragraph (2) for all schools  
8           that receive funds under this part through  
9           other public means.

10          “(2) CONTENT OF ANNUAL STATE REPORTS.—

11           “(A) REQUIRED INFORMATION.—The  
12           State shall, at a minimum, include in the an-  
13           nual State reports information for the State on  
14           each local educational agency and school receiv-  
15           ing funds under this part regarding—

16                   “(i) student performance on statewide  
17                   assessments for the current and preceding  
18                   years in at least reading (or language arts)  
19                   and mathematics, including—

20                           “(I) a comparison of the propor-  
21                           tions of students who performed at  
22                           the “below basic”, “basic”, “pro-  
23                           ficient”, and “advanced” levels in  
24                           each subject area, for each grade level  
25                           at which assessments are required



## I-30

1 under title I, with proportions in each  
2 of the same 4 categories at the same  
3 grade levels in the previous school  
4 year; and

5 “(II) a statement of the percent-  
6 age of students not tested and a list-  
7 ing of categories of the reasons why  
8 they were not tested;

9 “(ii) retention in grade, completion of  
10 advanced placement courses, and 4-year  
11 graduation rates;

12 “(iii) the professional qualifications of  
13 teachers in the aggregate, including the  
14 percentage of teachers teaching with emer-  
15 gency or provisional credentials, and the  
16 percentage of class sections not taught by  
17 fully qualified teachers; and

18 “(iv) the professional qualifications of  
19 paraprofessionals, the number of para-  
20 professionals in the aggregate and the  
21 ratio of paraprofessionals to teachers in  
22 the classroom.

23 “(B) STUDENT DATA.—Student data in  
24 each report shall contain disaggregated results  
25 for the following categories:



I-31

- 1 “(i) gender;
- 2 “(ii) racial and ethnic group;
- 3 “(iii) migrant status;
- 4 “(iv) students with disabilities, as
- 5 compared to students who are not disabled;
- 6 “(v) economically disadvantaged stu-
- 7 dents, as compared to students who are
- 8 not economically disadvantaged; and
- 9 “(vi) Students with limited English
- 10 proficiency, as compared to students who
- 11 are proficient in English.

12 “(C) OPTIONAL INFORMATION.—A State

13 may include in its report any other information

14 it determines appropriate to reflect school qual-

15 ity and school achievement, including informa-

16 tion on average class size, by grade level and in-

17 formation on school safety, such as the inci-

18 dence of school violence and drug and alcohol

19 abuse, and the incidence of student suspensions

20 and expulsions.

21 “(3) CONTENT OF LOCAL EDUCATIONAL AGEN-

22 CIES AND SCHOOL REPORT CARDS.—

23 “(A) MINIMUM REQUIREMENTS.—The

24 State shall ensure that each local educational

25 agency and each school that receives funds



I-32

1 under this part in the State collects appropriate  
2 data and includes in its annual report card, at  
3 a minimum—

4 “(i) the information described in para-  
5 graphs (2)(A) and (2)(B) for each local  
6 educational agency and school—

7 “(I) in the case of a local edu-  
8 cational agency—

9 “(aa) the number and per-  
10 centage of schools identified for  
11 school improvement, including  
12 schools identified under section  
13 1116(c) of this Act;

14 “(bb) information that  
15 shows how students in its schools  
16 perform on the statewide assess-  
17 ment compared to students in the  
18 State as a whole;

19 “(II) in the case of the school—

20 “(aa) whether it has been  
21 identified for school improve-  
22 ment; and

23 “(bb) information that  
24 shows how its students performed  
25 on the statewide assessment com-



## I-33

1                   pared to students in the local  
2                   educational agency and the State  
3                   as a whole.

4                   “(B) OTHER INFORMATION.—A local edu-  
5                   cational agency and a school may include in  
6                   their annual report cards any other appropriate  
7                   information whether or not included in the an-  
8                   nual State report.

9                   “(C) SPECIAL RULE.—A local educational  
10                  agency that issues report cards for all public  
11                  schools served by the agency shall include, at a  
12                  minimum, the information described in para-  
13                  graph (2) for all schools that receive funds  
14                  under this part.

15                  “(4) DISSEMINATION AND ACCESSIBILITY OF  
16                  REPORTS AND REPORT CARDS.—

17                  “(A) STATE REPORTS.—State annual re-  
18                  ports under paragraph (2) shall be, dissemi-  
19                  nated to all schools and local educational agen-  
20                  cies in the State, and made broadly available to  
21                  the public through means such as posting on  
22                  the Internet, distribution to the media, and dis-  
23                  tribution through public agencies.

24                  “(B) LOCAL REPORTS.—Local educational  
25                  agency report cards under paragraph (3) shall



## I-34

1 be disseminated to all schools in the school dis-  
2 trict and to all parents of students attending  
3 these schools and made broadly available to the  
4 public through means such as posting on the  
5 Internet, distribution to the media, and dis-  
6 tribution through public agencies.

7 “(C) SCHOOL REPORTS.—School report  
8 cards under paragraph (3) shall be dissemi-  
9 nated to all parents of students attending that  
10 school and shall be made broadly available to  
11 the public, through means such as the Internet,  
12 to the media, and public agencies.

13 “(5) PARENTS RIGHT-TO-KNOW.—

14 “(A) QUALIFICATIONS.—A local edu-  
15 cational agency that receives funds under this  
16 title shall provide, upon request, in an under-  
17 standable and uniform format, to any parent of  
18 a student attending any school receiving funds  
19 under this subpart, information regarding the  
20 professional qualifications of the student’s  
21 classroom teachers, including, at a minimum,  
22 the following:

23 “(i) Whether the teacher has met  
24 State qualification and licensing criteria



## I-35

1 for the grade levels and subject areas in  
2 which the teacher provides instruction.

3 “(ii) Whether the teacher is teaching  
4 under emergency or other provisional sta-  
5 tus through which State qualification or li-  
6 censing criteria have been waived.

7 “(iii) The baccalaureate degree major  
8 of the teacher and any other graduate cer-  
9 tification or degree held by the teacher,  
10 and the field of discipline of the certifi-  
11 cation or degree.

12 “(iv) Whether the child is provided  
13 services by paraprofessionals and the quali-  
14 fications of such paraprofessional.

15 “(B) ADDITIONAL INFORMATION.—In ad-  
16 dition to the information which parents may re-  
17 quest under paragraph (1), and the information  
18 provided in subsection (c), a school which re-  
19 ceives funds under this title shall provide to  
20 each individual parent or guardian—

21 “(i) information on the level of per-  
22 formance of the individual student for  
23 whom they are the parent or guardian in  
24 each of the State assessments as required  
25 under this title; and



## I-36

1                   “(ii) timely notice that the student for  
2                   whom they are the parent or guardian has  
3                   been assigned or has been taught for 2 or  
4                   more consecutive weeks by a substitute  
5                   teacher or by a teacher not fully qualified.

6                   “(6) PLAN CONTENT.—A State shall include in  
7                   its plan under subsection (b) an assurance that it  
8                   has in effect a policy that meets the requirements of  
9                   this section.

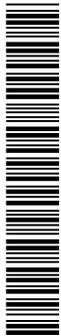
10                  “(g) PRIVACY.—Information collected under this sec-  
11                  tion shall be collected and disseminated in a manner that  
12                  protects the privacy of individuals.”.

13   **SEC. \_\_\_\_ . LOCAL EDUCATIONAL AGENCY PLANS.**

14                  (a) SUBGRANTS.—Paragraph (1) of section 1112(a)  
15                  (20 U.S.C. 6312(a)(1)) is amended by striking “the Goals  
16                  2000: Educate America Act” and all that follows and in-  
17                  serting the following: “the Individuals with Disabilities  
18                  Education Act, the Carl D. Perkins Vocational and Tech-  
19                  nical Education Act of 1998, the Head Start Act, and  
20                  other Acts, as appropriate.”.

21                  (b) PLAN PROVISIONS.—Subsection (b) of section  
22                  1112 (20 U.S.C. 6312(b)) is amended—

23                         (1) by striking “Each” in the matter preceding  
24                         paragraph (1) and inserting “In order to help low-  
25                         achieving children achieve to high standards, each”;



## I-37

1 (2) in paragraph (1)—

2 (A) by striking “part” each place it ap-  
3 pears and inserting “title”;

4 (B) in subparagraph (B), by inserting  
5 “low-achieving” before “children”;

6 (C) by striking “and” at the end of sub-  
7 paragraph (B);

8 (D) by inserting “and” at the end of sub-  
9 paragraph (C); and

10 (E) by adding at the end the following new  
11 subparagraph:

12 “(D) determine the literacy levels of first  
13 graders and their need for interventions, and a  
14 description of how the local educational agency  
15 will ensure that any such assessments—

16 “(i) are developmentally appropriate;  
17 and

18 “(ii) use multiple measures to provide  
19 information about the variety of skills that  
20 scientifically based research has identified  
21 as leading to early acquisition of reading  
22 skills.”;

23 (3) in paragraph (4)—

24 (A) in subparagraph (A), by striking “,  
25 and school-to-work transition programs”; and



## I-38

1 (B) in subparagraph (B), by striking  
2 “under part C or who were formerly eligible for  
3 services under part C in the two-year period  
4 preceding the date of the enactment of the Im-  
5 proving America’s School Act of 1994, ne-  
6 glected or delinquent youth and youth at risk of  
7 dropping out” and inserting “under part C, ne-  
8 glected or delinquent youth, Indian children  
9 served under title IX,”;

10 (4) in paragraph (7), by striking “eligible  
11 homeless children” and inserting “homeless chil-  
12 dren”;

13 (5) by striking the period at the end of para-  
14 graph (9) and inserting “; and”; and

15 (6) by adding at the end the following new  
16 paragraphs:

17 “(10) a description of the actions the local edu-  
18 cational agency will take to assist its low-performing  
19 schools, including schools identified under section  
20 1116 as in need of improvement; and

21 “(11) a description of how the agency will pro-  
22 mote the use of extended learning time, such as an  
23 extended school year and before and after school and  
24 summer programs.”.



## I-39

1 (c) ASSURANCES.—Subsection (c) of section 1112  
2 (20 U.S.C. 6312(c)) is amended to read as follows:

3 “(c) ASSURANCES.—

4 “(1) IN GENERAL.—Each local educational  
5 agency plan shall provide assurances that the local  
6 educational agency will—

7 “(A) inform eligible schools and parents of  
8 schoolwide project authority and the ability of  
9 such schools to consolidate funds from Federal,  
10 State, and local sources;

11 “(B) provide technical assistance and sup-  
12 port to schoolwide programs;

13 “(C) work in consultation with schools as  
14 the schools develop the schools’ plans pursuant  
15 to section 1114 and assist schools as the  
16 schools implement such plans or undertake ac-  
17 tivities pursuant to section 1115 so that each  
18 school can make adequate yearly progress to-  
19 ward meeting the State student performance  
20 standards;

21 “(D) fulfill such agency’s school improve-  
22 ment responsibilities under section 1116, in-  
23 cluding taking corrective actions under section  
24 1116(c)(4);



## I-40

1           “(E) provide services to eligible children  
2 attending private elementary and secondary  
3 schools in accordance with section 1120, and  
4 timely and meaningful consultation with private  
5 school officials regarding such services;

6           “(F) take into account the experience of  
7 model programs for the educationally disadvan-  
8 taged, and the findings of relevant scientifically  
9 based research indicating that services may be  
10 most effective if focused on students in the ear-  
11 liest grades at schools that receive funds under  
12 this part;

13           “(G) in the case of a local educational  
14 agency that chooses to use funds under this  
15 part to provide early childhood development  
16 services to low-income children below the age of  
17 compulsory school attendance, ensure that such  
18 services comply with the performance standards  
19 established under section 641A(a) of the Head  
20 Start Act;

21           “(H) comply with the requirements of sec-  
22 tion 1119 regarding the qualifications of teach-  
23 ers and paraprofessionals;

24           “(I) inform eligible schools of the local  
25 educational agency’s authority to obtain waivers



## I-41

1 on the school's behalf under title XIV of this  
2 Act, and if the State is an Ed-Flex Partnership  
3 State, waivers under the Education Flexibility  
4 Partnership Act of 1999; and

5 “(J) coordinate and collaborate, to the ex-  
6 tent feasible and necessary as determined by  
7 the local educational agency, with other agen-  
8 cies providing services to children, youth, and  
9 families.

10 “(2) SPECIAL RULE.—In carrying out subpara-  
11 graph (G) of paragraph (1) the Secretary—

12 “(A) shall consult with the Secretary of  
13 Health and Human Services on the implemen-  
14 tation of such subparagraph and shall establish  
15 procedures (taking into consideration existing  
16 State and local laws, and local teacher con-  
17 tracts) to assist local educational agencies to  
18 comply with such subparagraph; and

19 “(B) upon publication, shall disseminate to  
20 local educational agencies the Head Start per-  
21 formance standards as in effect under section  
22 641A(a) of the Head Start Act, and such agen-  
23 cies affected by such subparagraph shall plan  
24 for the implementation of such subparagraph  
25 (taking into consideration existing State and



1 local laws, and local teacher contracts), includ-  
2 ing pursuing the availability of other Federal,  
3 State, and local funding sources to assist in  
4 compliance with such subparagraph.

5 “(3) INAPPLICABILITY.—The provisions of this  
6 subsection shall not apply to preschool programs  
7 using the Even Start model or to Even Start pro-  
8 grams which are expanded through the use of funds  
9 under this part.”.

10 (d) PLAN DEVELOPMENT AND DURATION.—Section  
11 1112 is amended by striking subsection (d) and inserting  
12 the following:

13 “(d) PLAN DEVELOPMENT AND DURATION.—

14 “(1) CONSULTATION.—Each local educational  
15 agency plan shall be developed in consultation with  
16 teachers, administrators (including administrators of  
17 programs described in other parts of this title), and  
18 other appropriate school personnel, and with parents  
19 of children in schools served under this part.

20 “(2) DURATION.—Each such plan shall be sub-  
21 mitted for the first year for which this part is in ef-  
22 fect following the date of the enactment of the Stu-  
23 dent Results Act of 1999 and shall remain in effect  
24 for the duration of the agency’s participation under  
25 this part.



## I-43

1           “(3) REVIEW.—Each such local educational  
2           agency shall periodically review, and as necessary,  
3           revise its plan.”.

4           (e) STATE APPROVAL.—Section 1112 (20 U.S.C.  
5           6312(e)) is amended by striking subsection (e) and insert-  
6           ing the following:

7           “(e) STATE APPROVAL.—

8           “(1) IN GENERAL.—Each local educational  
9           agency plan shall be filed according to a schedule es-  
10          tablished by the State educational agency.

11          “(2) APPROVAL.—The State educational agency  
12          shall approve a local educational agency’s plan only  
13          if the State educational agency determines that the  
14          local educational agency’s plan—

15                 “(A) will enable schools served under this  
16                 part to substantially help children served under  
17                 this part meet the standards expected of all  
18                 children described in section 1111(b)(1); and

19                 “(B) will meet the requirements of this  
20                 section.”.

21          (f) PARENTAL NOTIFICATION AND CONSENT FOR  
22          ENGLISH LANGUAGE INSTRUCTION.—Section 1112 (20  
23          U.S.C. 6312) is amended by adding at the end the fol-  
24          lowing:



## I-44

1       “(g) PARENTAL NOTIFICATION AND CONSENT FOR  
2 ENGLISH LANGUAGE INSTRUCTION.—

3           “(1) NOTIFICATION.—If a local educational  
4 agency uses funds under this part to provide English  
5 language instruction to limited English proficient  
6 children, the agency shall inform a parent or the  
7 parents of a child participating in an English lan-  
8 guage instruction program for limited English pro-  
9 ficient children assisted under this part of—

10           “(A) the reasons for the identification of  
11 the child as being in need of English language  
12 instruction;

13           “(B) the child’s level of English pro-  
14 ficiency, how such level was assessed, and the  
15 status of the child’s academic achievement; and

16           “(C) how the English language instruction  
17 program will specifically help the child acquire  
18 English and meet age-appropriate standards for  
19 grade promotion and graduation;

20           “(D) what the specific exit requirements  
21 are for the program;

22           “(E) the expected rate of graduation from  
23 the program into mainstream classes; and



## I-45

1           “(F) the expected rate of graduation from  
2 high school for the program if funds under this  
3 part are used for children in secondary schools.

4           “(2) CONSENT.—

5           “(A) AGENCY REQUIREMENTS.—Each local  
6 educational agency that receives funds under  
7 this part shall obtain informed parental consent  
8 prior to the placement of a child in an English  
9 language instruction program for limited  
10 English proficient children that is funded under  
11 this part. If written consent is not obtained, the  
12 local educational agency shall maintain a writ-  
13 ten record that includes the date and the man-  
14 ner in which such informed consent was ob-  
15 tained.

16           “(B) PARENTAL RIGHTS.—A parent or the  
17 parents of a child participating in an English  
18 language instruction program for limited  
19 English proficient children assisted under this  
20 Act shall—

21                   “(i) select among methods of instruc-  
22                   tion, if more than one method is offered in  
23                   the program; and



## I-46

1                   “(ii) have the right to have their child  
2                   immediately removed from the program  
3                   upon their request.

4                   “(3) RECEIPT OF INFORMATION.—A parent or  
5                   the parents of a child identified for participation in  
6                   an English language instruction program for limited  
7                   English proficient children assisted under this part  
8                   shall receive, in a manner and form understandable  
9                   to the parent or parents, the information required by  
10                  this subsection. At a minimum, the parent or par-  
11                  ents shall receive—

12                  “(A) timely information about English lan-  
13                  guage instruction programs for limited English  
14                  proficient children assisted under this Act; and

15                  “(B) if a parent of a participating child so  
16                  desires, notice of opportunities for regular  
17                  meetings for the purpose of formulating and re-  
18                  sponding to recommendations from such par-  
19                  ents.

20                  “(4) BASIS FOR ADMISSION OR EXCLUSION.—  
21                  Students shall not be admitted to or excluded from  
22                  any federally assisted education program on the  
23                  basis of a surname or language-minority status.



1 **SEC. \_\_\_\_.** **ELIGIBLE SCHOOL ATTENDANCE AREAS.**

2 Section 1113 (20 U.S.C. 6313) is amended to read  
3 as follows:

4 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

5 **“(a) DETERMINATION.—**

6 **“(1) IN GENERAL.—**A local educational agency  
7 shall use funds received under this part only in eligi-  
8 ble school attendance areas.

9 **“(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—**

10 For the purposes of this part—

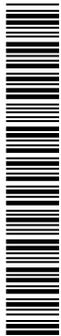
11 **“(A)** the term ‘school attendance area’  
12 means, in relation to a particular school, the  
13 geographical area in which the children who are  
14 normally served by that school reside; and

15 **“(B)** the term ‘eligible school attendance  
16 area’ means a school attendance area in which  
17 the percentage of children from low-income  
18 families is at least as high as the percentage of  
19 children from low-income families in the local  
20 educational agency as a whole.

21 **“(3) LOCAL EDUCATIONAL AGENCY DISCRE-**  
22 **TION.—**

23 **“(A) IN GENERAL.—**Notwithstanding para-  
24 graph (2), a local educational agency may—

25 **“(i)** designate as eligible any school  
26 attendance area or school in which at least



## I-48

1 35 percent of the children are from low-in-  
2 come families;

3 “(ii) use funds received under this  
4 part in a school that is not in an eligible  
5 school attendance area, if the percentage  
6 of children from low-income families en-  
7 rolled in the school is equal to or greater  
8 than the percentage of such children in a  
9 participating school attendance area of  
10 such agency; and

11 “(iii) elect not to serve an eligible  
12 school attendance area or eligible school  
13 that has a higher percentage of children  
14 from low-income families if—

15 “(I) the school meets the com-  
16 parability requirements of section  
17 1120A(c);

18 “(II) the school is receiving sup-  
19 plemental funds from other State or  
20 local sources that are spent according  
21 to the requirements of section 1114 or  
22 1115; and

23 “(III) the funds expended from  
24 such other sources equal or exceed the



## I-49

1 amount that would be provided under  
2 this part.

3 “(B) SPECIAL RULE.—Notwithstanding  
4 subparagraph (A)(iii), the number of children  
5 attending private elementary and secondary  
6 schools who are to receive services, and the as-  
7 sistance such children are to receive under this  
8 part, shall be determined without regard to  
9 whether the public school attendance area in  
10 which such children reside is assisted under  
11 subparagraph (A).

12 “(b) RANKING ORDER.—If funds allocated in accord-  
13 ance with subsection (g) are insufficient to serve all eligi-  
14 ble school attendance areas, a local educational agency—

15 “(1) shall annually rank from highest to lowest  
16 according to the percentage of children from low-in-  
17 come families in each agency’s eligible school attend-  
18 ance areas in the following order—

19 “(A) eligible school attendance areas in  
20 which the concentration of children from low-in-  
21 come families exceeds 75 percent; and

22 “(B) all remaining eligible school attend-  
23 ance areas in which the concentration of chil-  
24 dren from low-income families is 75 percent or  
25 lower;



## I-50

1           “(2) shall, within each category listed in para-  
2           graph (1), serve schools in rank order from highest  
3           to lowest according to the ranking assigned under  
4           paragraph (1);

5           “(3) notwithstanding paragraph (2), may give  
6           priority, within each such category and in rank order  
7           from highest to lowest subject to paragraph (4), to  
8           eligible school attendance areas that serve children  
9           in elementary schools; and

10           “(4) not serve a school described in paragraph  
11           (1)(B) before serving a school in paragraph (1)(A).

12           “(c) **LOW-INCOME MEASURES.**—In determining the  
13           number of children ages 5 through 17 who are from low-  
14           income families, the local educational agency shall apply  
15           the measures described in paragraphs (1) and (2) of this  
16           subsection:

17           “(1) **ALLOCATION TO PUBLIC SCHOOL ATTEND-**  
18           **ANCE AREAS.**—The local educational agency shall  
19           use the same measure of poverty, which measure  
20           shall be the number of children ages 5 through 17  
21           in poverty counted in the most recent census data  
22           approved by the Secretary, the number of children  
23           eligible for free and reduced priced lunches under  
24           the National School Lunch Act, the number of chil-  
25           dren in families receiving assistance under the State



## I-51

1 program funded under part A of title IV of the So-  
2 cial Security Act, or the number of children eligible  
3 to receive medical assistance under the Medicaid  
4 program, or a composite of such indicators, with re-  
5 spect to all school attendance areas in the local edu-  
6 cational agency—

7 “(A) to identify eligible school attendance  
8 areas;

9 “(B) to determine the ranking of each  
10 area; and

11 “(C) to determine allocations under sub-  
12 section (f).

13 “(2) ALLOCATION FOR EQUITABLE SERVICE TO  
14 PRIVATE SCHOOL STUDENTS.—

15 “(A) CALCULATION.—A local educational  
16 agency shall have the final authority, consistent  
17 with section 1120 to calculate the number of  
18 private school children, ages 5 through 17, who  
19 are low-income by—

20 “(i) using the same measure of low-in-  
21 come used to count public school children;

22 “(ii) using the results of a survey  
23 that, to the extent possible, protects the  
24 identity of families of private school stu-  
25 dents and allowing such survey results to



1 be extrapolated if complete actual data are  
2 not available; or

3 “(iii) applying the low-income percent-  
4 age of each participating public school at-  
5 tendance area, determined pursuant to this  
6 section, to the number of private school  
7 children who reside in that attendance  
8 area.

9 “(B) COMPLAINT PROCESS.—Any dispute  
10 regarding low-income data on private school  
11 students shall be subject to the complaint pro-  
12 cess authorized in section 14505.

13 “(d) EXCEPTION.—This section (other than sub-  
14 sections (a)(3) and (f)) shall not apply to a local edu-  
15 cational agency with a total enrollment of less than 1,000  
16 children.

17 “(e) WAIVER FOR DESEGREGATION PLANS.—The  
18 Secretary may approve a local educational agency’s writ-  
19 ten request for a waiver of the requirements of subsections  
20 (a) and (f), and permit such agency to treat as eligible,  
21 and serve, any school that children attend under a deseg-  
22regation plan ordered by a State or court or approved by  
23 the Secretary, or such a plan that the agency continues  
24 to implement after it has expired, if—



## I-53

1           “(1) the number of economically disadvantaged  
2 children enrolled in the school is not less than 25  
3 percent of the school’s total enrollment; and

4           “(2) the Secretary determines on the basis of a  
5 written request from such agency and in accordance  
6 with such criteria as the Secretary establishes, that  
7 approval of that request would further the purposes  
8 of this part.

9           “(f) ALLOCATIONS.—

10          “(1) IN GENERAL.—A local educational agency shall  
11 allocate funds received under this part to eligible school  
12 attendance areas or eligible schools, identified under sub-  
13 section (b)(1) on the basis of the total number of children  
14 from low-income families in each area or school.

15          “(2) SPECIAL RULE.—(A) Except as provided  
16 in subparagraph (B), the per pupil amount of funds  
17 allocated to each school attendance area or school  
18 under paragraph (1) shall be at least 125 percent of  
19 the per pupil amount of funds a local educational  
20 agency received for that year under the poverty cri-  
21 teria described by the local educational agency in the  
22 plan submitted under section 1112, except that this  
23 paragraph shall not apply to a local educational  
24 agency that only serves schools in which the percent-  
25 age of such children is 35 percent or greater.



1           “(B) A local educational agency may reduce the  
2 amount of funds allocated under subparagraph (A)  
3 for a school attendance area or school by the amount  
4 of any supplemental State and local funds expended  
5 in that school attendance area or school for pro-  
6 grams that meet the requirements of section 1114 or  
7 1115.

8           “(3) RESERVATION.—A local educational agen-  
9 cy shall reserve such funds as are necessary under  
10 this part to provide services comparable to those  
11 provided to children in schools funded under this  
12 part to serve—

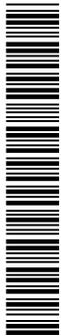
13           “(A) if appropriate, homeless children who  
14 do not attend participating schools, including  
15 providing educationally related support services  
16 to children in shelters;

17           “(B) children in local institutions for ne-  
18 glected or delinquent children; and

19           “(C) where appropriate, neglected and de-  
20 linquent children in community day school pro-  
21 grams.”.

22 **SEC. \_\_\_\_ . SCHOOLWIDE PROGRAMS.**

23           Section 1114 (20 U.S.C. 6314) is amended to read  
24 as follows:



1 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

2 “(a) USE OF FUNDS FOR SCHOOLWIDE PRO-  
3 GRAMS.—

4 “(1) IN GENERAL.—A local educational agency  
5 may consolidate funds under this part, together with  
6 other Federal, State, and local funds, in order to up-  
7 grade the entire educational program of a school  
8 that serves an eligible school attendance area in  
9 which not less than 40 percent of the children are  
10 from low-income families, or not less than 40 per-  
11 cent of the children enrolled in the school are from  
12 such families.

13 “(2) STATE ASSURANCES.—A local educational  
14 agency may start new schoolwide programs under  
15 this section only after the State educational agency  
16 provides written information to each local edu-  
17 cational agency in the State that demonstrates that  
18 such State agency has established the statewide sys-  
19 tem of support and improvement required by sub-  
20 sections (c)(1) and (e) of section 1117.

21 “(3) IDENTIFICATION OF STUDENTS NOT RE-  
22 QUIRED.—(A) No school participating in a  
23 schoolwide program shall be required to identify par-  
24 ticular children under this part as eligible to partici-  
25 pate in a schoolwide program or to provide supple-  
26 mental services to such children.



## I-56

1           “(B) A school participating in a schoolwide pro-  
2           gram shall use funds available to carry out this sec-  
3           tion only to supplement the amount of funds that  
4           would, in the absence of funds under this part, be  
5           made available from non-Federal sources for the  
6           school, including funds needed to provide services  
7           that are required by law for children with disabilities  
8           and children with limited English proficiency.

9           “(4) EXEMPTION FROM STATUTORY AND REGU-  
10          LATORY REQUIREMENTS.—(A) Except as provided in  
11          subsection (b), the Secretary may, through publica-  
12          tion of a notice in the Federal Register, exempt  
13          schoolwide programs under this section from statu-  
14          tory or regulatory provisions of any other non-  
15          competitive formula grant program administered by  
16          the Secretary, or any discretionary grant program  
17          administered by the Secretary, to support schoolwide  
18          programs if the intent and purposes of such other  
19          programs are met.

20          “(B) A school that chooses to use funds from  
21          such other programs shall not be relieved of the re-  
22          quirements relating to health, safety, civil rights,  
23          student and parental participation and involvement,  
24          services to private school children, maintenance of  
25          effort, uses of Federal funds to supplement, not sup-



## I-57

1 plant non-Federal funds, or the distribution of funds  
2 to State or local educational agencies that apply to  
3 the receipt of funds from such programs.

4 “(C)(i) A school that consolidates funds from  
5 different Federal programs under this section shall  
6 not be required to maintain separate fiscal account-  
7 ing records, by program, that identify the specific  
8 activities supported by those particular funds as long  
9 as it maintains records that demonstrate that the  
10 schoolwide program, considered as a whole addresses  
11 the intent and purposes of each of the Federal pro-  
12 grams that were consolidated to support the  
13 schoolwide program.

14 “(5) PROFESSIONAL DEVELOPMENT.—Each  
15 school receiving funds under this part for any fiscal  
16 year shall devote sufficient resources to effectively  
17 carry out the activities described in subsection  
18 (b)(1)(D) in accordance with section 1119 for such  
19 fiscal year, except that a school may enter into a  
20 consortium with another school to carry out such ac-  
21 tivities.

22 “(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

23 “(1) IN GENERAL.—A schoolwide program shall  
24 include the following components:



## I-58

1           “(A) A comprehensive needs assessment of  
2           the entire school (including taking into account  
3           the needs of migratory children as defined in  
4           section 1309(2)) that is based on information  
5           on the performance of children in relation to  
6           the State content standards and the State stu-  
7           dent performance standards described in section  
8           1111(b)(1).

9           “(B) Schoolwide reform strategies that—

10           “(i) provide opportunities for all chil-  
11           dren to meet the State’s proficient and ad-  
12           vanced levels of student performance de-  
13           scribed in section 1111(b)(1)(D);

14           “(ii) use effective methods and in-  
15           structional strategies that are based upon  
16           scientifically based research that—

17           “(I) strengthen the core aca-  
18           demic program in the school;

19           “(II) increase the amount and  
20           quality of learning time, such as pro-  
21           viding an extended school year and  
22           before- and after-school and summer  
23           programs and opportunities, and help  
24           provide an enriched and accelerated  
25           curriculum; and



## I-59

1                   “(III) include strategies for meet-  
2                   ing the educational needs of histori-  
3                   cally underserved populations;

4                   “(iii)(I) address the needs of all chil-  
5                   dren in the school, but particularly the  
6                   needs of low-achieving children and those  
7                   at risk of not meeting the State student  
8                   performance standards who are members  
9                   of the target population of any program  
10                  that is included in the schoolwide program;

11                  “(II) address how the school will de-  
12                  termine if such needs have been met; and

13                  “(iv) are consistent with, and are de-  
14                  signed to implement, the State and local  
15                  improvement plans, if any.

16                  “(D) Instruction by fully qualified (as de-  
17                  fined in section 1610) teachers.

18                  “(E) In accordance with section 1119, pro-  
19                  fessional development for teachers and para-  
20                  professionals, and, where appropriate, pupil  
21                  services personnel, parents, principals, and  
22                  other staff to enable all children in the school  
23                  to meet the State’s student performance stand-  
24                  ards.



## I-60

1           “(F) Strategies to increase parental in-  
2           volvement in accordance with section 1118,  
3           such as family literary services.

4           “(G) Plans for assisting preschool children  
5           in the transition from early childhood programs,  
6           such as Head Start, Even Start, or a State-run  
7           preschool program, to local elementary school  
8           programs.

9           “(H) Measures to include teachers in the  
10          decisions regarding the use of assessments de-  
11          scribed in section 1112(b)(1) in order to pro-  
12          vide information on, and to improve, the per-  
13          formance of individual students and the overall  
14          instructional program.

15          “(I) Activities to ensure that students who  
16          experience difficulty mastering the proficient or  
17          advanced levels of performance standards re-  
18          quired by section 1111(b) shall be provided with  
19          effective, timely additional assistance which  
20          shall include measures to ensure that students’  
21          difficulties are identified on a timely basis and  
22          to provide sufficient information on which to  
23          base effective assistance.

24          “(2) PLAN.—Any eligible school that desires to  
25          operate a schoolwide program shall first develop (or



## I-61

1 amend a plan for such a program that was in exist-  
2 ence on the day before the date of enactment of the  
3 Student Results Act of 1999), a comprehensive plan  
4 for reforming the total instructional program in the  
5 school that—

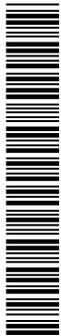
6 “(A) incorporates the components de-  
7 scribed in paragraph (1);

8 “(B) describes how the school will use re-  
9 sources under this part and from other sources  
10 to implement those components;

11 “(C) includes a list of State and local edu-  
12 cational agency programs and other Federal  
13 programs under subsection (a)(4) that will be  
14 consolidated in the schoolwide program;

15 “(D) describes how the school will provide  
16 individual student assessment results, including  
17 an interpretation of those results, to the par-  
18 ents of a child who participates in the assess-  
19 ments required by section 1111(b)(3) and in a  
20 format and, to the extent practicable, in a lan-  
21 guage that they can understand; and

22 “(E) provides for the collection of data on  
23 the achievement and assessment results of stu-  
24 dents disaggregated by gender, major ethnic or  
25 racial groups, limited English proficiency sta-



## I-62

1           tus, migrant students, by children with disabili-  
2           ties as compared to other students, and by eco-  
3           nomically disadvantaged students as compared  
4           to students who are not economically disadvan-  
5           taged, except that such disaggregation shall not  
6           be required in a case in which the number of  
7           students in a category is insufficient to yield  
8           statistically reliable information or the results  
9           would reveal individually identifiable informa-  
10          tion about an individual student.

11           “(3) PLAN DEVELOPMENT.—The comprehen-  
12          sive plan shall be—

13                   “(A) developed during a 1-year period,  
14                  unless—

15                           “(i) the local educational agency de-  
16                           termines that less time is needed to de-  
17                           velop and implement the schoolwide pro-  
18                           gram; or

19                           “(ii) the school is operating a  
20                           schoolwide program on the day preceding  
21                           the date of enactment of the Student Re-  
22                           sults Act of 1999, in which case such  
23                           school may continue to operate such pro-  
24                           gram, but shall develop amendments to  
25                           their existing plan during the first year of



## I-63

1 assistance under such Act to reflect the  
2 provisions of this section;

3 “(B) developed with the involvement of the  
4 community to be served and individuals who  
5 will carry out such plan, including teachers,  
6 principals, administrator (including administra-  
7 tors of programs described in other parts of  
8 this title), pupil services personnel, where ap-  
9 propriate school staff and parents, and, if the  
10 plan relates to a secondary school, students  
11 from such school;

12 “(C) in effect for the duration of the  
13 school’s participation under this part and re-  
14 viewed and revised, as necessary, by the school;

15 “(D) available to the local educational  
16 agency, parents, and the public, and the infor-  
17 mation contained in such plan shall be provided  
18 in a format, and to the extent practicable, in a  
19 language that they can understand; and

20 “(E) if appropriate, developed in coordina-  
21 tion with programs under the Reading Excel-  
22 lence Act, the Carl D. Perkins Vocational and  
23 Technical Education Act of 1998, the Head  
24 Start Act, and part B of this title.



## I-64

1       “(c) ACCOUNTABILITY.—A schoolwide program  
2 under this section shall be subject to the school improve-  
3 ment provisions of section 1116.

4 **SEC. \_\_\_\_ . TARGETED ASSISTANCE SCHOOLS.**

5       (a) IN GENERAL.—Subsection (a) of section 1115  
6 (20 U.S.C. 6315(a)) is amended by striking “section  
7 1113(c)” and inserting “section 1113(g)”.

8       (b) ELIGIBLE CHILDREN.—Subsection (b) of section  
9 1115 (20 U.S.C. 6315(b)) is amended to read as follows:  
10       “(b) ELIGIBLE CHILDREN.—

11               “(1) ELIGIBLE POPULATION.—(A) The eligible  
12 population for services under this section is—

13                       “(i) children not older than age 21 who are  
14 entitled to a free public education through  
15 grade 12; and

16                       “(ii) children who are not yet at a grade  
17 level where the local educational agency pro-  
18 vides a free public education.

19               “(B) From the population described in subpara-  
20 graph (A), eligible children are children identified by  
21 the school as failing, or most at risk of failing, to  
22 meet the State’s challenging student performance  
23 standards on the basis of assessments under this  
24 part, or in the absence of such assessments, on the  
25 basis of multiple, educationally related, objective cri-



## I-65

1       teria established by the local educational agency and  
2       supplemented by the school, except that children  
3       from preschool through grade 2 may be selected  
4       solely on the basis of such criteria as teacher judg-  
5       ment, interviews with parents, and developmentally  
6       appropriate measures.

7               “(2) CHILDREN INCLUDED.—(A)(i) Children  
8       with disabilities, migrant children, and children with  
9       limited English proficiency are eligible for services  
10      under this part on the same basis as other children.

11              “(ii) Funds received under this part may not be  
12      used to provide services that are otherwise required  
13      by law to be made available to such children but  
14      may be used to coordinate or supplement such serv-  
15      ices.

16              “(B) A child who, at any time in the 2 years  
17      preceding the year for which the determination is  
18      made, participated in a Head Start or Even Start  
19      program or in preschool services under this title, is  
20      eligible for services under this part.

21              “(C)(i) A child who, at any time in the 2 years  
22      preceding the year for which the determination is  
23      made, received services under part D is eligible for  
24      services under this part.



## I-66

1           “(ii) A child in a local institution for neglected  
2 or delinquent children or attending a community day  
3 program for such children is eligible for services  
4 under this part.

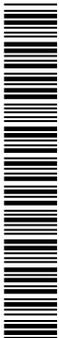
5           “(D) A child who is homeless and attending any  
6 school in the local educational agency is eligible for  
7 services under this part.”.

8           (c) COMPONENTS OF TARGETED ASSISTANCE  
9 SCHOOL PROGRAM.—Subsection (c) of section 1115 (20  
10 U.S.C. 6315(c)) is amended to read as follows:

11           “(c) COMPONENTS OF A TARGETED ASSISTANCE  
12 SCHOOL PROGRAM.—

13           “(1) IN GENERAL.—To assist targeted assist-  
14 ance schools and local educational agencies to meet  
15 their responsibility to provide for all their students  
16 served under this title the opportunity to meet the  
17 State’s challenging student performance standards  
18 in subjects as determined by the State, each tar-  
19 geted assistance program under this section shall—

20           “(A) use such program’s resources under  
21 this part to help participating children meet  
22 such State’s challenging student performance  
23 standards expected for all children;



## I-67

1           “(B) ensure that planning for students  
2 served under this part is incorporated into ex-  
3 isting school planning;

4           “(C) use effective methods and instruc-  
5 tional strategies that are based upon scientif-  
6 ically based research that strengthens the core  
7 academic program of the school and that—

8           “(i) give primary consideration to pro-  
9 viding extended learning time such as an  
10 extended school year, before- and after-  
11 school, and summer, programs and oppor-  
12 tunities;

13           “(ii) help provide an accelerated, high-  
14 quality curriculum, including applied learn-  
15 ing; and

16           “(iii) minimize removing children  
17 from the regular classroom during regular  
18 school hours for instruction provided under  
19 this part;

20           “(D) coordinate with and support the reg-  
21 ular education program, which may include  
22 services to assist preschool children in the tran-  
23 sition from early childhood programs to elemen-  
24 tary school programs;



## I-68

1           “(E) provide instruction by fully qualified  
2 teachers;

3           “(F) in accordance with subsection (e)(3)  
4 and section 1119, provide opportunities for pro-  
5 fessional development with resources provided  
6 under this part, and, to the extent practicable,  
7 from other sources, for teachers, principals, and  
8 administrators and other school staff who work  
9 with participating children in programs under  
10 this section or in the regular education pro-  
11 gram; and

12           “(G) provide strategies to increase paren-  
13 tal involvement in accordance with section  
14 1118, such as family literacy services.

15           “(2) REQUIREMENTS.—Each school conducting  
16 a program under this section shall assist partici-  
17 pating children selected in accordance with sub-  
18 section (b) to meet the State’s proficient and ad-  
19 vanced levels of performance by—

20           “(A) the coordination of resources provided  
21 under this part with other resources; and

22           “(B) reviewing, on an ongoing basis, the  
23 progress of participating children and revising  
24 the targeted assistance program, if necessary,  
25 to provide additional assistance to enable such



## I-69

1 children to meet the State’s challenging student  
2 performance standards, such as an extended  
3 school year, before- and after-school, and sum-  
4 mer, programs and opportunities, training for  
5 teachers regarding how to identify students that  
6 require additional assistance, and training for  
7 teachers regarding how to implement student  
8 performance standards in the classroom.”.

9 (d) INTEGRATION OF PROFESSIONAL DEVELOP-  
10 MENT.—To promote the integration of staff supported  
11 with funds under this part, public school personnel who  
12 are paid with funds received under this part may partici-  
13 pate in general professional development and school plan-  
14 ning activities.

15 (e) COMPREHENSIVE SERVICES.—Paragraph (2) of  
16 section 1115(e) (20 U.S.C. 6315(e)(2)) is amended—

17 (1) by inserting “and” at the end of subpara-  
18 graph (A);

19 (2) by striking subparagraph (B); and

20 (3) by redesignating subparagraph (C) as sub-  
21 paragraph (B).

22 **SEC. \_\_\_\_ . SCHOOL CHOICE.**

23 Section 1115A (20 U.S.C. 6316) is amended to read  
24 as follows:



1 **“SEC. 1115A. SCHOOL CHOICE.**

2       “(a) CHOICE PROGRAMS.—A local educational agen-  
3 cy may use funds under this part, in combination with  
4 State, local, and private funds, to develop and implement  
5 public school choice programs, for children eligible for as-  
6 sistance under this part, which permit parents to select  
7 the public school that their child will attend and are con-  
8 sistent with State and local law, policy, and practice re-  
9 lated to public school choice and local pupil transfer.

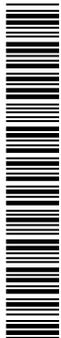
10       “(b) CHOICE PLAN.—A local educational agency that  
11 chooses to implement a public school choice program shall  
12 first develop a plan that includes assurances that—

13               “(1) all eligible students across grade levels  
14 served under this part will have equal access to the  
15 program;

16               “(2) the program does not include schools that  
17 follow a racially discriminatory policy;

18               “(3) describe how the school will use resources  
19 under this part and from other sources to implement  
20 the plan;

21               “(4) the plan will be developed with the involve-  
22 ment of parents and others in the community to be  
23 served and individuals who will carry out the plan,  
24 including administrators, teachers, principals, and  
25 other staff;



## I-71

1 “(5) parents of eligible students in the local  
2 educational agency will be given prompt notice of the  
3 existence of the public school choice program and its  
4 availability to them, and a clear explanation of how  
5 the program will operate;

6 “(6) the program will include charter schools  
7 and any other public school and shall not include a  
8 school that is or has been identified as a school in  
9 school improvement or is or has been in corrective  
10 action for the past 2 consecutive years;

11 “(7) transportation services or the costs of  
12 transportation may be provided by the local edu-  
13 cational agency with funds under this part; and

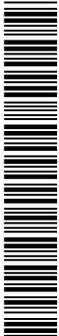
14 “(8) such local educational agency will comply  
15 with the other requirements of this part.

16 **SEC. \_\_\_\_ . ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**  
17 **AND SCHOOL IMPROVEMENT.**

18 (a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C.  
19 6317(a)) is amended—

20 (1) in paragraph (2), by striking  
21 “1111(b)(2)(A)(i)” and inserting “1111(b)(2)(B)”;

22 (2) in paragraph (3), by striking “individual  
23 school performance profiles” and inserting “school  
24 report cards”;



## I-72

1 (3) in paragraph (3), by striking “and” after  
2 the semicolon;

3 (4) in paragraph (4), by striking the period at  
4 the end and inserting “; and”; and

5 (5) by adding at the end the following:

6 “(5) review the effectiveness of the actions and  
7 activities the schools are carrying out under this  
8 part with respect to parental involvement assisted  
9 under this Act.”.

10 (b) SCHOOL IMPROVEMENT.—Subsection (c) of sec-  
11 tion 1116 (20 U.S.C. 6317(c)) is amended to read as fol-  
12 lows:

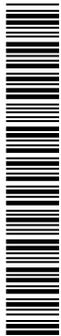
13 “(b) SCHOOL IMPROVEMENT.—

14 “(1) IN GENERAL.—A local educational agency  
15 shall identify for school improvement any school  
16 served under this part that—

17 “(A) for 2 consecutive years failed to make  
18 adequate yearly progress as defined in the  
19 State’s plan under section 1111(b)(2); or

20 “(B) was in school improvement status  
21 under this section on the day preceding the  
22 date of the enactment of the Student Results  
23 Act of 1999.

24 “(2) TRANSITION.—The 2-year period described  
25 in paragraph (1)(A) shall include any continuous pe-



1       riod of time immediately preceding the date of the  
2       enactment of the Student Results Act of 1999 dur-  
3       ing which a school did not make adequate yearly  
4       progress as defined in the State’s plan, as such plan  
5       was in effect on the day preceding the date of the  
6       enactment of the Student Results Act of 1999.

7               “(3) TARGETED ASSISTANCE SCHOOLS.—To de-  
8       termine if a school that is conducting a targeted as-  
9       sistance program under section 1115 should be iden-  
10      tified as in need of improvement under this sub-  
11      section, a local educational agency may choose to re-  
12      view the progress of only those students in such  
13      school who are served under this part.

14              “(4) OPPORTUNITY TO REVIEW AND PRESENT  
15      EVIDENCE.—(A) Before identifying a school for  
16      school improvement under paragraph (1), the local  
17      educational agency shall provide the school with an  
18      opportunity to review the school-level data, including  
19      assessment data, on which the proposed identifica-  
20      tion is based.

21              “(B) If the school principal believes that the  
22      proposed identification is in error for statistical or  
23      other substantive reasons, it may provide supporting  
24      evidence to the local educational agency, which such



## I-74

1 agency shall consider before making a final deter-  
2 mination.

3 “(5) NOTIFICATION TO PARENTS.—A local edu-  
4 cational agency shall, in an easily understandable  
5 format, provide in writing to parents of each student  
6 in a school identified for school improvement—

7 “(A) an explanation of what the school im-  
8 provement identification means and how the  
9 school compares in terms of academic perform-  
10 ance to other schools in the local educational  
11 agency and State;

12 “(B) the reasons for such identification;

13 “(C) the data on which such identification  
14 is based;

15 “(D) an explanation of what the school is  
16 doing to address the problem of low achieve-  
17 ment;

18 “(E) an explanation of how parents can  
19 become involved in upgrading the quality of the  
20 school;

21 “(F) an explanation of the right of par-  
22 ents, pursuant to subparagraph (6), to transfer  
23 their child to another public school, including a  
24 public charter school, that is not in school im-



## I-75

1           provement, and how such transfer shall operate;  
2           and

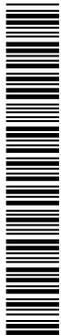
3           (G) notification to parents in a format  
4           and, to the extent practicable, in a language  
5           they can understand.

6           “(6) PUBLIC SCHOOL CHOICE OPTION.—

7           “(A) SCHOOLS IDENTIFIED FOR IMPROVE-  
8           MENT.—

9           “(i) SCHOOLS IDENTIFIED ON OR BE-  
10          FORE ENACTMENT.—Not later than 18  
11          months after the date of enactment of the  
12          Students Results Act of 1999, a local edu-  
13          cational agency shall provide all students  
14          enrolled in a school identified (on or before  
15          such date of enactment) for school im-  
16          provement with an option to transfer to  
17          any other public school, including a public  
18          charter school that has not been identified  
19          for school improvement, consistent with  
20          State and local law, policy, and practice re-  
21          lated to public school choice and local pupil  
22          transfer.

23          “(ii) SCHOOLS IDENTIFIED AFTER EN-  
24          ACTMENT.—Not later than 18 months  
25          after the date on which a local educational



## I-76

1           agency identifies a school for school im-  
2           provement, the agency shall provide all  
3           students enrolled in such school with an  
4           option described in clause (i).

5           “(B) COOPERATIVE AGREEMENT.—If all public  
6           schools in the local educational agency to which a  
7           child may transfer to, are identified for school im-  
8           provement, the agency shall, to the extent prac-  
9           ticable, establish a cooperative agreement with other  
10          local educational agencies in the area for the trans-  
11          fer.

12          “(C) TRANSPORTATION.—The local educational  
13          agency in which the schools have been identified for  
14          improvement may use funds under this part to pro-  
15          vide transportation to parents who choose to trans-  
16          fer their children to a different school.

17          “(D) CONTINUE OPTION.—Once a school is no  
18          longer identified for school improvement, the local  
19          educational agency shall continue to provide public  
20          school choice as an option to students in such school  
21          for a period of not less than 2 years.

22          “(7) SCHOOL PLAN.—(A) Each school identified  
23          under paragraph (1) for school improvement shall,  
24          not later than 3 months after being so identified, de-  
25          velop or revise a school plan, in consultation with



## I-77

1 parents, school staff, the local educational agency,  
2 and other outside experts for approval by the local  
3 educational agency. Such plan shall—

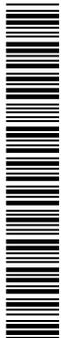
4 “(i) incorporate scientifically-based re-  
5 search strategies that strengthen the core aca-  
6 demic program in the school;

7 “(ii) adopt policies that have the greatest  
8 likelihood of improving the performance of par-  
9 ticipating children in meeting the State’s stu-  
10 dent performance standards;

11 “(iii) address the professional development  
12 needs of staff, particularly teachers and prin-  
13 cipals;

14 “(iv) establish specific goals and objectives  
15 the school will undertake for making adequate  
16 yearly progress which include specific numerical  
17 performance goals and targets for each of the  
18 groups of students identified in the  
19 disaggregated data pursuant to section  
20 1111(b)(2);

21 “(v) identify how the school will provide  
22 written notification to parents, in a format and  
23 to the extent practicable in a language such  
24 parents can understand; and



1           “(vi) specify the responsibilities of the local  
2           educational agency and the school under the  
3           plan.

4           “(B) A local educational agency may condition  
5           approval of a school plan on inclusion of 1 or more  
6           of the corrective actions specified in paragraph (9).

7           “(C) A school shall implement its plan or re-  
8           vised plan expeditiously, but not later than the be-  
9           ginning of the school year after which the school has  
10          been identified for improvement.

11          “(D) The local educational agency shall  
12          promptly review the plan, work with the school as  
13          necessary, and approve the plan if it meets the re-  
14          quirements of this section.

15          “(8) TECHNICAL ASSISTANCE.—(A) For each  
16          school identified for school improvement under para-  
17          graph (1), the local educational agency shall provide  
18          technical assistance as the school develops and im-  
19          plements its plan.

20          “(B) Such technical assistance—

21                 “(i) shall include effective methods and in-  
22                 structional strategies that are based upon sci-  
23                 entifically based research that strengthens the  
24                 core academic program in the school and ad-



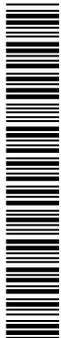
1 dresses the specific elements of student per-  
2 formance problems in the school;

3 “(ii) may be provided directly by the local  
4 educational agency, through mechanisms au-  
5 thorized under section 1117, or with the local  
6 educational agency’s approval, by an institution  
7 of higher education, a private nonprofit organi-  
8 zation, an educational service agency, a com-  
9 prehensive regional assistance center under part  
10 A of title XIII, or other entities with experience  
11 in helping schools improve achievement.

12 “(C) Technical assistance provided under this  
13 section by the local educational agency or an entity  
14 authorized by such agency shall be based upon sci-  
15 entifically based research.

16 “(9) CORRECTIVE ACTION.—In order to help  
17 students served under this part meet challenging  
18 State standards, each local educational agency shall  
19 implement a system of corrective action in accord-  
20 ance with the following:

21 “(A) After providing technical assistance  
22 under paragraph (8) and subject to subpara-  
23 graph (G), the local educational agency—



## I-80

1                   “(i) may take corrective action at any  
2                   time with respect to a school that has been  
3                   identified under paragraph (1);

4                   “(ii) shall take corrective action with  
5                   respect to any school that fails to make  
6                   adequate yearly progress, as defined by the  
7                   State, after the end of the second year fol-  
8                   lowing its identification under paragraph  
9                   (1); and

10                   “(iii) shall continue to provide tech-  
11                   nical assistance while instituting any cor-  
12                   rective action under clause (i) or (ii).

13                   “(B) As used in this paragraph, the term  
14                   ‘corrective action’ means action, consistent with  
15                   State and local law, that—

16                   “(i) substantially and directly re-  
17                   sponds to the consistent academic failure  
18                   that caused the local educational agency to  
19                   take such action and to any underlying  
20                   staffing, curricular, or other problems in  
21                   the school; and

22                   “(ii) is designed to substantially in-  
23                   crease the likelihood that students will per-  
24                   form at the proficient and advanced per-  
25                   formance levels.



## I-81

1           “(C) In the case of a school described in  
2 subparagraph (A)(ii), the local educational  
3 agency shall take not less than 1 of the fol-  
4 lowing corrective actions:

5                   “(i) Withhold funds from the school.

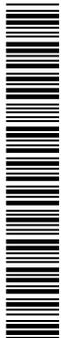
6                   “(ii) Decrease decisionmaking author-  
7 ity at the school level.

8                   “(iii) Make alternative governance ar-  
9 rangements, including reopening the school  
10 as a public charter school.

11                   “(iv) Reconstitute the school by re-  
12 quiring each person employed at the school  
13 to reapply for future employment at the  
14 same school or for any position in the local  
15 educational agency.

16                   “(v) Authorize students to transfer to  
17 other higher performing public schools  
18 served by the local educational agency, in-  
19 cluding public charter schools, and provide  
20 such students transportation (or the costs  
21 of transportation) to such schools in con-  
22 junction with not less than 1 additional ac-  
23 tion described under this subparagraph.

24                   “(vi) Institute and fully implement a  
25 new curriculum, including appropriate pro-

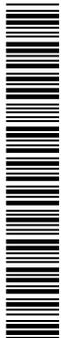


1 professional development for all relevant staff,  
2 that is based upon scientifically based re-  
3 search and offers substantial promise of  
4 improving educational achievement for low-  
5 performing students.

6 “(D) A local educational agency may delay,  
7 for a period not to exceed 1 year, implementa-  
8 tion of corrective action only if the failure to  
9 make adequate yearly progress was justified  
10 due to exceptional or uncontrollable cir-  
11 cumstances such as a natural disaster or a pre-  
12 cipitous and unforeseen decline in the financial  
13 resources of the local educational agency or  
14 school.

15 “(E) The local educational agency shall  
16 publish, and disseminate to the public and to  
17 parents in a format and, to the extent prac-  
18 ticable, in a language that they can understand  
19 any corrective action it takes under this para-  
20 graph through such means as the Internet, the  
21 media, and public agencies.

22 “(F)(i) Before taking corrective action  
23 with respect to any school under this para-  
24 graph, a local educational agency shall provide  
25 the school an opportunity to review the school



1 level data, including assessment data, on which  
2 the proposed determination is made.

3 “(ii) If the school believes that the pro-  
4 posed determination is in error for statistical or  
5 other substantive reasons, it may provide sup-  
6 porting evidence to the local educational agency,  
7 which shall consider such evidence before mak-  
8 ing a final determination.

9 “(10) STATE EDUCATIONAL AGENCY RESPON-  
10 SIBILITIES.—If a State educational agency deter-  
11 mines that a local educational agency failed to carry  
12 out its responsibilities under this section, it shall  
13 take such action as it finds necessary, consistent  
14 with this section, to improve the affected schools and  
15 to ensure that the local educational agency carries  
16 out its responsibilities under this section.

17 “(11) SPECIAL RULES.—Schools that, for at  
18 least two of the three years following identification  
19 under paragraph (1), make adequate yearly progress  
20 toward meeting the State’s proficient and advanced  
21 levels of performance shall no longer be identified  
22 for school improvement.



1 **SEC. \_\_\_\_.** **STATE REVIEW AND LOCAL EDUCATIONAL AGEN-**  
2 **CY IMPROVEMENT.**

3 Section 1116(d) (20 U.S.C. 6317(d)) is amended to  
4 read as follows:

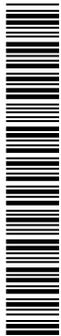
5 “(d) STATE REVIEW AND LOCAL EDUCATIONAL  
6 AGENCY IMPROVEMENT.—

7 “(1) IN GENERAL.—A State educational agency  
8 shall—

9 “(A) annually review the progress of each  
10 local educational agency receiving funds under  
11 this part to determine whether schools receiving  
12 assistance under this part are making adequate  
13 yearly progress as defined in section 1111(b)(2)  
14 toward meeting the State’s student performance  
15 standards; and

16 “(B) publicize and disseminate to local  
17 educational agencies, teachers and other staff,  
18 parents, students, and the community the re-  
19 sults of the State review consistent with section  
20 1111, including statistically sound  
21 disaggregated results, as required by section  
22 1111(b)(2).

23 “(2) IDENTIFICATION OF LOCAL EDUCATIONAL  
24 AGENCY FOR IMPROVEMENT.—A State educational  
25 agency shall identify for improvement any local edu-  
26 cational agency that—



## I-85

1           “(A) for 2 consecutive years failed to make  
2           adequate yearly progress as defined in the  
3           State’s plan under section 1111(b)(2); or

4           “(B) was in improvement status under this  
5           section as this section was in effect on the day  
6           preceding the date of enactment of the Student  
7           Results Act of 1999.

8           “(3) TRANSITION.—The 2-year period described  
9           in paragraph (2)(A) shall include any continuous pe-  
10          riod of time immediately preceding the date of the  
11          enactment of the Student Results Act of 1999, dur-  
12          ing which a local educational agency did not make  
13          adequate yearly progress as defined in the State’s  
14          plan, as such plan was in effect on the day preceding  
15          the date of the enactment of the Student Results  
16          Act of 1999.

17          “(4) TARGETED ASSISTANCE SCHOOLS.—For  
18          purposes of targeted assistance schools in a local  
19          educational agency, a State educational agency may  
20          choose to review the progress of only the students in  
21          such schools who are served under this part.

22          “(5) OPPORTUNITY TO REVIEW AND PRESENT  
23          EVIDENCE.—(A) Before identifying a local edu-  
24          cational agency for improvement under paragraph  
25          (2), a State educational agency shall provide the



## I-86

1 local educational agency with an opportunity to re-  
2 view the local educational agency data, including as-  
3 sessment data, on which that proposed identification  
4 is based.

5 “(B) If the local educational agency believes  
6 that the proposed identification is in error for statis-  
7 tical or other substantive reasons, it may provide  
8 supporting evidence to the State educational agency,  
9 which such agency shall consider before making a  
10 final determination.

11 “(6) NOTIFICATION TO PARENTS.—The State  
12 educational agency shall promptly notify parents in  
13 a format, and to the extent practicable in a lan-  
14 guage, they can understand, of each student enrolled  
15 in a school in a local educational agency identified  
16 for improvement, of the reasons for such agency’s  
17 identification and how parents can participate in up-  
18 grading the quality of the local educational agency.

19 “(7) LOCAL EDUCATIONAL AGENCY REVI-  
20 SIONS.—(A) Each local educational agency identified  
21 under paragraph (2) shall, not later than 3 months  
22 after being so identified, develop or revise a local  
23 educational agency plan, in consultation with par-  
24 ents, school staff, and others. Such plan shall—



## I-87

1           “(i) incorporate scientifically based re-  
2 search strategies that strengthen the core aca-  
3 demic program in the local educational agency;

4           “(ii) identify specific goals and objectives  
5 the local educational agency will undertake to  
6 make adequate yearly progress and which—

7           “(I) have the greatest likelihood of  
8 improving the performance of participating  
9 children in meeting the State’s student  
10 performance standards;

11           “(II) address the professional develop-  
12 ment needs of staff; and

13           “(III) include specific numerical per-  
14 formance goals and targets for each of the  
15 groups of students identified in the  
16 disaggregated data pursuant to section  
17 1111(b)(2);

18           “(iii) identify how the school district will  
19 go about providing written notification to par-  
20 ents in a format, and to the extent practicable  
21 in a language, that they can understand, pursu-  
22 ant to paragraph (6); and

23           “(iv) specify the responsibilities of the  
24 State educational agency and the local edu-  
25 cational agency under the plan.



1           “(B) The local educational agency shall imple-  
2           ment its plan or revised plan expeditiously, but not  
3           later than the beginning of the school year after  
4           which the school has been identified for improve-  
5           ment.

6           “(8) STATE EDUCATIONAL AGENCY RESPONSIBI-  
7           LITY.—For each local educational agency identi-  
8           fied under paragraph (2), the State educational  
9           agency shall provide technical or other assistance, if  
10          requested, as authorized under section 1117, to bet-  
11          ter enable the local educational agency—

12                 “(A) to develop and implement its revised  
13                 plan as approved by the State educational agen-  
14                 cy consistent with the requirements of this sec-  
15                 tion; and

16                 “(B) to work with schools needing im-  
17                 provement.

18          “(9) CORRECTIVE ACTION.—In order to help  
19          students served under this part meet challenging  
20          State standards, each State educational agency shall  
21          implement a system of corrective action in accord-  
22          ance with the following:

23                 “(A) After providing technical assistance  
24                 under paragraph (8) and subject to subpara-  
25                 graph (D), the State educational agency—



## I-89

1 “(i) may take corrective action at any  
2 time with respect to a local educational  
3 agency that has been identified under  
4 paragraph (2);

5 “(ii) shall take corrective action with  
6 respect to any local educational agency  
7 that fails to make adequate yearly  
8 progress, as defined by the State, after the  
9 end of the second year following its identi-  
10 fication under paragraph (2); and

11 “(iii) shall continue to provide tech-  
12 nical assistance while instituting any cor-  
13 rective action under clause (i) or (ii).

14 “(B) As used in this paragraph, the term  
15 ‘corrective action’ means action, consistent with  
16 State law, that—

17 “(i) substantially and directly re-  
18 sponds to the consistent academic failure  
19 that caused the State educational agency  
20 to take such action and to any underlying  
21 staffing, curricular, or other problems in  
22 the school; and

23 “(ii) is designed to meet the goal of  
24 having all students served under this part



## I-90

1 perform at the proficient and advanced  
2 performance levels.

3 “(C) In the case of a local educational  
4 agency described in this paragraph, the State  
5 educational agency shall take not less than 1 of  
6 the following corrective actions:

7 “(i) Withhold funds from the local  
8 educational agency.

9 “(ii) Reconstitution of school district  
10 personnel;

11 “(iii) Remove particular schools from  
12 the jurisdiction of the local educational  
13 agency and establish alternative arrange-  
14 ments for public governance and super-  
15 vision of such schools.

16 “(iv) Appoint, through the State edu-  
17 cational agency, a receiver or trustee to ad-  
18 minister the affairs of the local educational  
19 agency in place of the superintendent and  
20 school board.

21 “(v) Abolish or restructure the local  
22 educational agency.

23 “(vi) Authorize students to transfer  
24 from a school operated by a local edu-  
25 cational agency to a higher performing



## I-91

1 public school operated by another local  
2 educational agency, or to a public charter  
3 school and provide such students transpor-  
4 tation (or the costs of transportation to  
5 such schools, in conjunction with not less  
6 than 1 additional action described under  
7 this paragraph.

8 “(D) Prior to implementing any corrective  
9 action, the State educational agency shall pro-  
10 vide due process and a hearing to the affected  
11 local educational agency, if State law provides  
12 for such process and hearing.

13 “(E) The State educational agency shall  
14 publish, and disseminate to parents and the  
15 public any corrective action it takes under this  
16 paragraph through such means as the Internet,  
17 the media, and public agencies.

18 “(F) A local educational agency may delay,  
19 for a period not to exceed 1 year, implementa-  
20 tion of corrective action if the failure to make  
21 adequate yearly progress was justified due to  
22 exceptional or uncontrollable circumstances  
23 such as a natural disaster or a precipitous and  
24 unforeseen decline in the financial resources of  
25 the local educational agency or school.



1 **SEC. \_\_\_\_ . STATE ASSISTANCE FOR SCHOOL SUPPORT AND**  
2 **IMPROVEMENT.**

3 Section 1117 (20 U.S.C. 6318) is amended to read  
4 as follows:

5 **“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**  
6 **IMPROVEMENT.**

7 “(a) SYSTEM FOR SUPPORT.—Each State edu-  
8 cational agency shall establish a statewide system of inten-  
9 sive and sustained support and improvement for local edu-  
10 cational agencies and schools receiving funds under this  
11 part, in order to increase the opportunity for all students  
12 in those agencies and schools to meet the State’s content  
13 standards and student performance standards.

14 “(b) PRIORITIES.—In carrying out this section, a  
15 State educational agency shall—

16 “(1) first, provide support and assistance to  
17 local educational agencies subject to corrective action  
18 under section 1116 and assist schools, in accordance  
19 with section 1116(c)(10), for which a local edu-  
20 cational agency has failed to carry out its respon-  
21 sibilities under section 1116(c)(8) and (9);

22 “(2) second, provide support and assistance to  
23 other local educational agencies identified as in need  
24 of improvement under section 1116; and

25 “(3) third, provide support and assistance to  
26 other local educational agencies and schools partici-



## I-93

1       pating under this part that need that support and  
2       assistance in order to achieve the purpose of this  
3       part.

4       “(c) APPROACHES.—In order to achieve the purpose  
5       described in subsection (a), each such system shall provide  
6       technical assistance and support through such approaches  
7       as—

8               “(1) school support teams, composed of individ-  
9       uals who are knowledgeable about scientifically  
10      based research and practice on teaching and learn-  
11      ing, particularly about strategies for improving edu-  
12      cational results for low-achieving children; and

13              “(2) the designation and use of “Distinguished  
14      Educators”, chosen from schools served under this  
15      part that have been especially successful in improv-  
16      ing academic achievement.

17      “(d) FUNDS.—Each State educational agency—

18              “(1) shall use funds reserved under section  
19      1002(h); and

20              “(2) may use State administrative funds au-  
21      thorized under section 1002(h) for such purpose.”.

22      “(e) ALTERNATIVES.—The State may devise addi-  
23      tional approaches to providing the assistance described in  
24      paragraphs (1) and (2) of subsection (c), such as pro-  
25      viding assistance through institutions of higher education



## I-94

1 and educational service agencies or other local consortia,  
2 and the State may seek approval from the Secretary to  
3 use funds under section 1002(i) and funds made available  
4 under section 1002(h) for such approaches as part of the  
5 State plan.

6 **SEC. 1 \_\_\_\_ . ACADEMIC ACHIEVEMENT AWARDS PROGRAM.**

7 Subpart 1 of part A of title I is amended by inserting  
8 after section 1117 the following:

9 **“SEC. 1117A. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.**

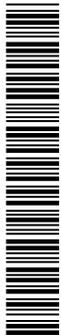
10 “(a) ESTABLISHMENT OF ACADEMIC ACHIEVEMENT  
11 AWARDS PROGRAM.—

12 “(1) IN GENERAL.—Each State receiving a  
13 grant under this part shall establish a program for  
14 making academic achievement awards to recognize  
15 and financially reward schools served under this part  
16 that have—

17 “(A) significantly closed the achievement  
18 gap between the groups of students defined in  
19 section 1111(b)(2); or

20 “(B) exceeded their adequate yearly  
21 progress goals, consistent with section  
22 1111(b)(2), for 2 or more consecutive years.

23 “(2) AWARDS TO TEACHERS.—A State program  
24 under paragraph (1) may also recognize and provide  
25 financial awards to teachers teaching in a school de-



## I-95

1 scribed in such paragraph whose students consist-  
2 ently make significant gains in academic achieve-  
3 ment in the areas in which the teacher provides in-  
4 struction.

5 “(b) FUNDING.—

6 “(1) RESERVATION OF FUNDS BY STATE.—For  
7 the purpose of carrying out this section, each State  
8 receiving a grant under this part shall reserve, from  
9 the amount (if any) by which the funds received by  
10 the State under this part for a fiscal year exceed the  
11 amount received by the State under this part for the  
12 preceding fiscal year, 25 percent of such excess  
13 amount.

14 “(2) USE WITHIN 3 YEARS.—Notwithstanding  
15 any other provision of law, the amount reserved  
16 under paragraph (1) by a State for each fiscal year  
17 shall remain available to the State until expended  
18 for a period not exceeding 3 years.

19 “(3) SPECIAL ALLOCATION RULE FOR SCHOOLS  
20 IN HIGH-POVERTY AREAS.—

21 “(A) IN GENERAL.—Each State receiving  
22 a grant under this part shall distribute at least  
23 50 percent of the amount reserved under para-  
24 graph (1) for each fiscal year to schools de-



1 scribed in subparagraph (B), or to teachers  
2 teaching in such schools.

3 “(B) SCHOOLS DESCRIBED.—A school de-  
4 scribed in subparagraph (A) is a school whose  
5 student population is in the highest quartile of  
6 schools statewide in terms of the percentage of  
7 children eligible for free and reduced priced  
8 lunches under the National School Lunch Act.”.

9 **SEC. \_\_\_\_ . PARENTAL INVOLVEMENT CHANGES.**

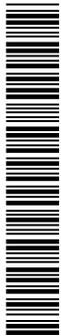
10 (a) LOCAL EDUCATIONAL AGENCY POLICY.—Sub-  
11 section (a) of section 1118 (20 U.S.C. 6319(a)) is  
12 amended—

13 (1) in paragraph (1), by striking “programs,  
14 activities, and procedures” and inserting “activities  
15 and procedures”.

16 (2) in paragraph (2) by striking subparagraphs  
17 (E) and (F) and inserting the following:

18 “(E) conduct, with the involvement of par-  
19 ents, an annual evaluation of the content and  
20 effectiveness of the parental involvement policy  
21 in improving the academic quality of the schools  
22 served under this part;

23 “(F) involve parents in the activities of the  
24 schools served under this part; and



## I-97

1           “(G) promote consumer friendly environ-  
2           ments at the local educational agency and  
3           schools served under this part.”;

4           (3) in paragraph (3) by adding at the end the  
5           following new subparagraph:

6           “(C) Not less than 90 percent of the funds re-  
7           served under subparagraph (A) shall be distributed  
8           to schools served under this part.”.

9           (b) NOTICE.—Paragraph (1) of section 1118(b) (20  
10          U.S.C. 6319(b)(1)) is amended by inserting after the first  
11          sentence the following: “Parents shall be notified of the  
12          policy a format, and to the extent practicable in a lan-  
13          guage, that they can understand.”.

14          (c) PARENTAL INVOLVEMENT.—Paragraph (4) of  
15          section 1118(c) (20 U.S.C. 6319(c)(4)) is amended—

16                 (1) in subparagraph (B), by striking “perform-  
17                 ance profiles required under section 1116(a)(3)” and  
18                 inserting “school reports required under section  
19                 1111”;

20                 (2) by redesignating subparagraphs (D) and  
21                 (E) as subparagraphs (F) and (G), respectively;

22                 (3) by inserting after subparagraph (C) the fol-  
23                 lowing new subparagraphs:

24                         “(D) notice of the schools’ designation as  
25                         a school in school improvement under section



## I-98

1 1116(c), if applicable, and a clear explanation  
2 of what such designation means;

3 “(E) notice of the corrective action that  
4 has been taken against the school under section  
5 1116(c)(9) and 1116(d)(9), if applicable, and a  
6 clear explanation of what such action means;”;  
7 and

8 (4) in subparagraph (G) (as so redesignated),  
9 by striking “subparagraph (D)” and inserting “sub-  
10 paragraph (F)”.

11 (d) BUILDING CAPACITY FOR INVOLVEMENT.—Sub-  
12 section (e) of section 1118 (20 U.S.C 6319(e)) is amended  
13 to read as follows:

14 “(e) BUILDING CAPACITY FOR INVOLVEMENT.—To  
15 ensure effective involvement of parents and to support a  
16 partnership among the school, parents, and the commu-  
17 nity to improve student achievement, each school and local  
18 educational agency—

19 “(1) shall provide assistance to participating  
20 parents in such areas as understanding the State’s  
21 content standards and State student performance  
22 standards, the provisions of section 1111(b)(8),  
23 State and local assessments, the requirements of this  
24 part, and how to monitor a child’s progress and  
25 work with educators to improve the performance of



## I-99

1 their children as well as information on how parents  
2 can participate in decisions relating to the education  
3 of their children;

4 “(2) shall provide materials and training, such  
5 as—

6 “(A) coordinating necessary literacy train-  
7 ing from other sources to help parents work  
8 with their children to improve their children’s  
9 achievement; and

10 “(B) training to help parents to work with  
11 their children to improve their children’s  
12 achievement;

13 “(3) shall educate teachers, pupil services per-  
14 sonnel, principals and other staff, with the assist-  
15 ance of parents, in the value and utility of contribu-  
16 tions of parents, and in how to reach out to, commu-  
17 nicate with, and work with parents as equal part-  
18 ners, implement and coordinate parent programs,  
19 and build ties between home and school;

20 “(4) shall coordinate and integrate parent in-  
21 volvement programs and activities with Head Start,  
22 Even Start, the Home Instruction Programs for  
23 Preschool Youngsters, the Parents as Teachers Pro-  
24 gram, and public preschool programs and other pro-  
25 grams, to the extent feasible and appropriate;



## I-100

1           “(5) shall conduct other activities, as appro-  
2           priate and feasible, such as parent resource centers  
3           and opportunities for parents to learn how to be-  
4           come full partners in the education of their chil-  
5           dren;”;

6           “(6) shall ensure, to the extent possible, that  
7           information related to school and parent programs,  
8           meetings, and other activities is sent to the homes  
9           of participating children in the language used in  
10          such homes;

11          “(7) shall provide such other reasonable sup-  
12          port for parental involvement activities under this  
13          section as parents may request;

14          “(8) shall expand the use of electronic commu-  
15          nications among teachers, students, and parents,  
16          such as through the use of websites and e-mail com-  
17          munications;

18          “(9) may involve parents in the development of  
19          training for teachers, principals, and other educators  
20          to improve the effectiveness of such training in im-  
21          proving instruction and services to the children of  
22          such parents in a language and format the parent  
23          can understand to the extent practicable;

24          “(10) may provide necessary literacy training  
25          from funds received under this part if the local edu-



## I-101

1 cational agency has exhausted all other reasonably  
2 available sources of funding for such activities;

3 “(11) may pay reasonable and necessary ex-  
4 penses associated with local parental involvement ac-  
5 tivities, including transportation and child care  
6 costs, to enable parents to participate in school-re-  
7 lated meetings and training sessions;

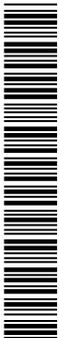
8 “(12) may train and support parents to en-  
9 hance the involvement of other parents;

10 “(13) may arrange meetings at a variety of  
11 times, such as in the mornings and evenings, in  
12 order to maximize the opportunities for parents to  
13 participate in school related activities;

14 “(14) may arrange for teachers or other edu-  
15 cators, who work directly with participating children,  
16 to conduct in-home conferences with parents who are  
17 unable to attend such conferences at school;

18 “(15) may adopt and implement model ap-  
19 proaches to improving parental involvement, such as  
20 Even Start;

21 “(16) may establish a districtwide parent advi-  
22 sory council to advise on all matters related to pa-  
23 rental involvement in programs supported under this  
24 part; and





## I-103

1           “(1) IN GENERAL.—Each local educational  
2 agency receiving assistance under this part shall en-  
3 sure that all teachers hired on or after the effective  
4 date of the Student Results Act of 1999 and teach-  
5 ing in a program supported with funds under this  
6 part are fully qualified.

7           “(2) PLAN.—Each State receiving assistance  
8 under this part shall develop and submit to the Sec-  
9 retary a plan to ensure that all teachers teaching  
10 within the State are fully qualified not later than  
11 December 31, 2003. Such plan shall include an as-  
12 surance that the State will require each local edu-  
13 cational agency and school receiving funds under  
14 this part publicly to report their annual progress on  
15 the agency’s and the school’s performance in in-  
16 creasing the percentage of classes in core academic  
17 areas taught by fully qualified teachers.

18           “(b) NEW PARAPROFESSIONALS.—

19           “(1) IN GENERAL.—Each local educational  
20 agency receiving assistance under this part shall en-  
21 sure that all paraprofessionals hired one year or  
22 more after the effective date of the Student Results  
23 Act of 1999 and working in a program supported  
24 with funds under this part shall—



## I-104

1           “(A) have completed at least 2 years of  
2 study at an institution of higher education;

3           “(B) have obtained an associate’s (or high-  
4 er) degree; or

5           “(C) have met a rigorous standard of qual-  
6 ity that demonstrates, through a formal assess-  
7 ment, knowledge of, and the ability to assist in  
8 instructing, reading, writing, and math.

9           “(2) CLARIFICATION.—For purposes of para-  
10 graph (1)(C), the receipt of a high school diploma  
11 (or its recognized equivalent) shall not by itself be  
12 sufficient to satisfy the requirements of such para-  
13 graph.

14          “(c) EXISTING PARAPROFESSIONALS.—Each local  
15 educational agency receiving assistance under this part  
16 shall ensure that all paraprofessionals hired before the  
17 date that is one year after the effective date of the Student  
18 Results Act of 1999 and working in a program supported  
19 with funds under this part shall, not later than 3 years  
20 after such effective date, satisfy the requirements of sub-  
21 section (b).

22          “(d) EXCEPTIONS FOR TRANSLATION AND PAREN-  
23 TAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c)  
24 shall not apply to a paraprofessional—



## I-105

1           “(A) who is proficient in English and a  
2           language other than English and who provides  
3           services primarily to enhance the participation  
4           of children in programs under this part by act-  
5           ing as a translator; or

6           “(B) whose duties consist solely of con-  
7           ducting parental involvement activities con-  
8           sistent with section 1118.

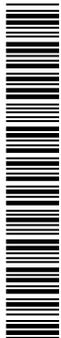
9           “(e) GENERAL REQUIREMENT FOR ALL PARA-  
10          PROFESSIONALS.—Each local educational agency receiving  
11          assistance under this part shall ensure that all paraprofes-  
12          sionals working in a program supported with funds under  
13          this part, regardless of the paraprofessional’s hiring date,  
14          possess a high school diploma or its recognized equivalent.

15          “(f) DUTIES OF PARAPROFESSIONALS.—

16                 “(1) IN GENERAL.—Each local educational  
17                 agency receiving assistance under this part shall en-  
18                 sure that a paraprofessional working in a program  
19                 supported with funds under this part is not assigned  
20                 a duty inconsistent with this subsection.

21                 “(2) RESPONSIBILITIES PARAPROFESSIONALS  
22                 MAY BE ASSIGNED.—A paraprofessional described in  
23                 paragraph (1) may be assigned—

24                         “(A) to provide one-on-one tutoring for eli-  
25                         gible students, if the tutoring is scheduled at a



## I-106

1 time when a student would not otherwise re-  
2 ceive instruction from a teacher;

3 “(B) to assist with classroom management,  
4 such as organizing instructional and other ma-  
5 terials;

6 “(C) to provide assistance in a computer  
7 laboratory;

8 “(D) to conduct parental involvement ac-  
9 tivities;

10 “(E) to provide support in a library or  
11 media center;

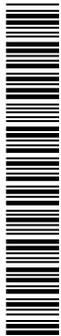
12 “(F) to act as a translator; or

13 “(G) to provide instructional services to  
14 students;

15 “(3) ADDITIONAL LIMITATIONS.—A paraprofes-  
16 sional described in paragraph (1)—

17 “(A) may not provide any instructional  
18 service to a student unless the paraprofessional  
19 is working under the direct supervision of a  
20 fully qualified teacher; and

21 “(B) may not provide instructional services  
22 to students in the area of reading unless the  
23 paraprofessional has demonstrated, through a  
24 State or local assessment, the ability effectively  
25 to carry out reading instruction.



## I-107

1 “(g) USE OF FUNDS.—

2 “(1) PROFESSIONAL DEVELOPMENT.—A local  
3 educational agency receiving funds under this part  
4 may use such funds to support ongoing training and  
5 professional development to assist teachers and  
6 paraprofessionals in satisfying the requirements of  
7 this section.

8 “(2) LIMITATION ON USE OF FUNDS FOR PARA-  
9 PROFESSIONALS.—

10 “(A) IN GENERAL.—Beginning on and  
11 after the effective date of the Student Results  
12 Act of 1999, a local educational agency may not  
13 use funds received under this part to fund any  
14 paraprofessional hired after such date unless—

15 “(i) the hiring is to fill a vacancy cre-  
16 ated by the departure of another para-  
17 professional funded under this part; and

18 “(ii) the paraprofessional satisfies the  
19 requirements of subsection (b) or (c).

20 “(B) EXCEPTION.—Subparagraph (A)  
21 shall not apply for a fiscal year to a local edu-  
22 cational agency that can demonstrate to the  
23 State that all teachers under the jurisdiction of  
24 the agency are fully qualified.

25 “(h) VERIFICATION OF COMPLIANCE.—



## I-108

1           “(1) IN GENERAL.—In verifying compliance  
2 with this section, each local educational agency at a  
3 minimum shall require that the principal of each  
4 school operating a program under section 1114 or  
5 1115 annually attest in writing as to whether such  
6 school is in compliance with the requirements of this  
7 section.

8           “(2) AVAILABILITY OF INFORMATION.—Copies  
9 of attestations under paragraph (1)—

10           “(A) shall be maintained at each school op-  
11 erating a program under section 1114 or 1115  
12 and at the main office of the local educational  
13 agency; and

14           “(B) shall be available to any member of  
15 the general public upon request.

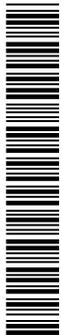
16 **SEC. \_\_\_\_ . PROFESSIONAL DEVELOPMENT.**

17       Section 1119A (20 U.S.C. 6301) is amended to read  
18 as follows:

19 **“SEC. 1119A. PROFESSIONAL DEVELOPMENT.**

20       “(a) PURPOSE.—The purpose of this section is to as-  
21 sist each local educational agency receiving assistance  
22 under this part in increasing the academic achievement  
23 of eligible children (as defined in section 1115(b)(1)(B))  
24 through improved teacher quality.

25       “(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—



## I-109

1           “(1) REQUIRED ACTIVITIES.—Professional de-  
2           velopment activities under this section shall—

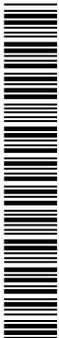
3                   “(A) support professional development ac-  
4                   tivities that give teachers, principals, and ad-  
5                   ministrators the knowledge and skills to provide  
6                   students with the opportunity to meet chal-  
7                   lenging State or local content standards and  
8                   student performance standards;

9                   “(B) support the recruiting, hiring, and  
10                  training of fully qualified teachers, including  
11                  teachers fully qualified through State and local  
12                  alternative routes;

13                  “(C) advance teacher understanding of ef-  
14                  fective instructional strategies based on scientif-  
15                  ically-based research for improving student  
16                  achievement, at a minimum, in reading/lan-  
17                  guage arts and mathematics;

18                  “(D) be directly related to the curriculum  
19                  and content areas in which the teacher provides  
20                  instruction;

21                  “(E) be designed to enhance the ability of  
22                  a teacher to understand and use the State’s  
23                  standards for the subject area in which the  
24                  teacher provides instruction;



## I-110

1           “(F) be tied to scientifically based research  
2           demonstrating the effectiveness of such profes-  
3           sional development activities or programs in in-  
4           creasing student achievement or substantially  
5           increasing the knowledge and teaching skills of  
6           teachers;

7           “(G) be of sufficient intensity and duration  
8           (not to include 1-day or short-term workshops  
9           and conferences) to have a positive and lasting  
10          impact on the teacher’s performance in the  
11          classroom, except that this paragraph shall not  
12          apply to an activity if such activity is one com-  
13          ponent of a long-term comprehensive profes-  
14          sional development plan established by the  
15          teacher and the teacher’s supervisor based upon  
16          an assessment of their needs, their students’  
17          needs, and the needs of the local educational  
18          agency;

19          “(H) be developed with extensive participa-  
20          tion of teachers, principals, parents, and admin-  
21          istrators of schools to be served under this part;

22          “(I) to the extent appropriate, provide  
23          training for teachers in the use of technology so  
24          that technology and its applications are effec-  
25          tively used in the classroom to improve teaching



## I-111

1 and learning in the curriculum and academic  
2 content areas in which the teachers provide in-  
3 struction; and

4 “(J) as a whole, be regularly evaluated for  
5 their impact on increased teacher effectiveness  
6 and improved student achievement, with the  
7 findings of such evaluations used to improve the  
8 quality of professional development.

9 “(2) OPTIONAL ACTIVITIES.—Such professional  
10 development activities may include—

11 “(A) instruction in the use of data and as-  
12 sessments to inform and instruct classroom  
13 practice;

14 “(B) instruction in ways that teachers,  
15 principals, pupil services personnel, and school  
16 administrators may work more effectively with  
17 parents;

18 “(C) the forming of partnerships with in-  
19 stitutions of higher education to establish  
20 school-based teacher training programs that  
21 provide prospective teachers and novice teachers  
22 with an opportunity to work under the guidance  
23 of experienced teachers and college faculty;

24 “(D) the creation of career ladder pro-  
25 grams for paraprofessionals (assisting teachers



## I-112

1 under this part) to obtain the education nec-  
2 essary for such paraprofessionals to become li-  
3 censed and certified teachers;

4 “(E) instruction in ways to teach special  
5 needs children;

6 “(F) joint professional development activi-  
7 ties involving programs under this part, Head  
8 Start, Even Start, or State-run preschool pro-  
9 gram personnel; and

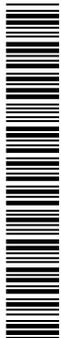
10 “(G) instruction in experiential-based  
11 teaching methods such as service or applied  
12 learning.

13 “(c) PROGRAM PARTICIPATION.—Each local edu-  
14 cational agency receiving assistance under this part may  
15 design professional development programs so that—

16 “(1) all school staff in schools participating in  
17 a schoolwide program under section 1114 can par-  
18 ticipate in professional development activities; and

19 “(2) all school staff in targeted assistance  
20 schools may participate in professional development  
21 activities if such participation will result in better  
22 addressing the needs of students served under this  
23 part.

24 “(d) PARENTAL PARTICIPATION.—Parents may par-  
25 ticipate in professional development activities under this



## I-113

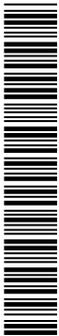
1 part if the school determines that parental participation  
2 is appropriate.

3 “(e) CONSORTIA.—In carrying out such professional  
4 development programs, local educational agencies may  
5 provide services through consortia arrangements with  
6 other local educational agencies, educational service agen-  
7 cies or other local consortia, institutions of higher edu-  
8 cation, or other public or private institutions or organiza-  
9 tions.

10 “(f) CONSOLIDATION OF FUNDS.—Funds provided  
11 under this part that are used for professional development  
12 purposes may be consolidated with funds provided under  
13 title II of this Act and other sources.”.

14 “(g) DEFINITION.—The term ‘fully qualified’ has the  
15 same meaning given such term in [section \_\_\_\_].”.

16 “(h) SPECIAL RULE.—No State educational agency  
17 shall require a school or a local educational agency to ex-  
18 pend a specific amount of funds for professional develop-  
19 ment activities under this part, except that this paragraph  
20 shall not apply with respect to requirements under section  
21 1116(d)(9).



## I-114

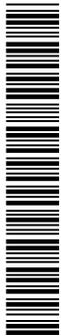
1 **SEC. \_\_\_\_.** **PARTICIPATION OF CHILDREN ENROLLED IN**  
2 **PRIVATE SCHOOLS.**

3 (a) GENERAL REQUIREMENT.—Subsection (a) of sec-  
4 tion 1120 (20 U.S.C. 6321(a)) is amended to read as fol-  
5 lows:

6 “(a) GENERAL REQUIREMENT.—

7 “(1) IN GENERAL.—To the extent consistent  
8 with the number of eligible children identified under  
9 section 1115(b) in a local educational agency who  
10 are enrolled in private elementary and secondary  
11 schools, a local educational agency shall, after timely  
12 and meaningful consultation with appropriate pri-  
13 vate school officials, provide such children, on an eq-  
14 uitable basis, special educational services or other  
15 benefits under this part (such as dual enrollment,  
16 educational radio and television, computer equip-  
17 ment and materials, other technology, and mobile  
18 educational services and equipment) that address  
19 their needs, and shall ensure that teachers and fami-  
20 lies of these students participate, on an equitable  
21 basis, in services and activities developed pursuant  
22 to sections 1118 and 1119.

23 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—  
24 Such educational services or other benefits, including  
25 materials and equipment, shall be secular, neutral,  
26 and nonideological.



## I-115

1           “(3) EQUITY.—Educational services and other  
2           benefits for such private school children shall be eq-  
3           uitable in comparison to services and other benefits  
4           for public school children participating under this  
5           part, and shall be provided in a timely manner.

6           “(4) EXPENDITURES.—Expenditures for edu-  
7           cational services and other benefits to eligible private  
8           school children shall be equal to the proportion of  
9           funds allocated to participating school attendance  
10          areas based on the number of children from low-in-  
11          come families who attend private schools, which the  
12          local educational agency may determine each year or  
13          every 2 years.

14          “(5) PROVISION OF SERVICES.—The local edu-  
15          cational agency shall provide services under this sec-  
16          tion directly or through contracts with public and  
17          private agencies, organizations, and institutions.

18          (b) CONSULTATION.—Subsection (b) of section 1120  
19 (20 U.S.C. 6321(b)) is amended to read as follows:

20          “(b) CONSULTATION.—

21               “(1) IN GENERAL.—To ensure timely and  
22               meaningful consultation, a local educational agency  
23               shall consult with appropriate private school officials  
24               during the design and development of such agency’s  
25               programs under this part, on issues such as—



## I-116

1           “(A) how the children’s needs will be iden-  
2           tified;

3           “(B) what services will be offered;

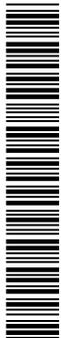
4           “(C) how, where, and by whom the services  
5           will be provided;

6           “(D) how the services will be assessed and  
7           how the results of that assessment will be used  
8           to improve those services;

9           “(E) the size and scope of the equitable  
10          services to be provided to the eligible private  
11          school children, and the amount of funds gen-  
12          erated by low-income private school children in  
13          each participating attendance area;

14          “(F) the method or sources of data that  
15          are used under subsection (a)(4) and section  
16          1113(c)(2) to determine the number of children  
17          from low-income families in participating school  
18          attendance areas who attend private schools;  
19          and

20          “(G) how and when the agency will make  
21          decisions about the delivery of services to such  
22          children, including a thorough consideration  
23          and analysis of the views of the private school  
24          officials on the provision of services through a  
25          contract and which individual, association,



## I-117

1 agency, or organization may provide these serv-  
2 ices. If the local educational agency disagrees  
3 with the views of the private school officials on  
4 the provision of services, through a contract,  
5 the local educational agency shall provide in  
6 writing to such private school officials, an anal-  
7 ysis of the reasons why the local educational  
8 agency has chosen not to use a contractor.

9 “(2) TIMING.—Such consultation shall include  
10 meetings of agency and private school officials and  
11 shall occur before the local educational agency  
12 makes any decision that affects the opportunities of  
13 eligible private school children to participate in pro-  
14 grams under this part. Such meetings shall continue  
15 throughout implementation and assessment of serv-  
16 ices provided under this section.

17 “(3) DISCUSSION.—Such consultation shall in-  
18 clude a discussion of service delivery mechanisms a  
19 local educational agency can use to provide equitable  
20 services to eligible private school children.

21 “(4) DOCUMENTATION.—Each local educational  
22 agency shall provide to the State educational agency,  
23 and maintain in its records, a written affirmation  
24 signed by officials of each participating private



## I-118

1 school that the consultation required by this section  
2 has occurred.

3 “(5) COMPLIANCE.—Private school officials  
4 shall have the right to appeal to the State as to  
5 whether the consultation provided for in this section  
6 was meaningful and timely, including the consulta-  
7 tion described in subparagraphs (F) and (G) and  
8 that due consideration was given to the views of pri-  
9 vate school officials. If the private school wishes to  
10 appeal, the basis of the claim of noncompliance with  
11 this section by the local educational agencies shall be  
12 provided to the State, and the local educational  
13 agency shall forward the documentation provided in  
14 subsection (b)(3) to the State.”.

15 (d) STANDARDS FOR BYPASS.—Subsection (d) of sec-  
16 tion 1120 (20 U.S.C. 6321(d)) is amended to read as fol-  
17 lows:

18 “(d) STANDARDS FOR A BYPASS.—

19 “(1) IN GENERAL.—If a local educational agen-  
20 cy is prohibited by law from providing for the par-  
21 ticipation on an equitable basis of eligible children  
22 enrolled in private elementary and secondary schools  
23 or if the Secretary determines that a local edu-  
24 cational agency has substantially failed or is unwill-



## I-119

1 ing to provide for such participation, as required by  
2 this section, the Secretary shall—

3 “(A) waive the requirements of this section  
4 for such local educational agency; and

5 “(B) arrange for the provision of services  
6 to such children through arrangements that  
7 shall be subject to the requirements of this sec-  
8 tion and sections 14505 and 14506.

9 **【“(2) SPECIAL RULE.—**If a child receiving serv-  
10 ices under this section has failed to make satisfac-  
11 tory progress in those subjects for which the child  
12 receives title I services, the private elementary or  
13 secondary school may request in writing from the  
14 Secretary, a bypass of the local educational agency,  
15 and present in such request evidence of the lack of  
16 satisfactory progress and such other documentation  
17 as appropriate. The Secretary shall make a deter-  
18 mination of whether to grant such a request, based  
19 upon all the evidence, not later than 90 days after  
20 receipt of such request.】

21 (e) **CAPITAL EXPENSES.—**Effective September 30,  
22 2002, subsection (e) of section 1120 (20 U.S.C. 6321(e))  
23 is hereby repealed.

24 **SEC. \_\_\_\_ . COORDINATION REQUIREMENTS.**

25 Section 1120(B) is amended—



## I-120

1 (1) in subsection (a), by striking “to the extent  
2 feasible” and all that follows through the period and  
3 inserting “with local Head Start agencies, and if  
4 feasible, other early childhood development pro-  
5 grams.”;

6 (2) in subsection (b)—

7 (A) in paragraph (3) by striking “and”  
8 after the semicolon;

9 (B) in paragraph (4) by striking the period  
10 and inserting “; and”; and

11 (C) by adding at the end, the following:

12 “(5) linking the educational services provided in  
13 such local educational agency with the services pro-  
14 vided in local Head Start agencies.”.

15 Section 1121 is amended to read as follows:

16 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**  
17 **SECRETARY OF THE INTERIOR.**

18 “(a) RESERVATION OF FUNDS.—From the amount  
19 appropriated for payments to States for any fiscal year  
20 under section 1002(a), the Secretary shall reserve a total  
21 of 1 percent to provide assistance to—

22 “(1) the outlying areas in the amount deter-  
23 mined in accordance with subsection (b); and



## I-121

1           “(2) the Secretary of the Interior in the amount  
2           necessary to make payments pursuant to subsection  
3           (d).

4           “(b) ASSISTANCE TO OUTLYING AREAS AND FREELY  
5           ASSOCIATED STATES.—

6           “(1) FUNDS RESERVED.—From the amount  
7           made available for any fiscal year under subsection  
8           (a), the Secretary shall award grants to the outlying  
9           areas.

10           “(2) COMPETITIVE GRANTS.—For fiscal years  
11           2000 and 2001, the Secretary shall carry out the  
12           competition described in paragraph (3), except that  
13           the amount reserved to carry out such competition  
14           shall not exceed the amount reserved under this sec-  
15           tion for the freely associated states for fiscal year  
16           1999.

17           “(3) LIMITATION FOR COMPETITIVE GRANTS.—

18           “(A) COMPETITIVE GRANTS.—The Sec-  
19           retary shall use funds described in paragraph  
20           (2) to award grants, on a competitive basis, to  
21           the outlying areas and freely associated States  
22           to carry out the purposes of this part.

23           “(B) AWARD BASIS.—The Secretary shall  
24           award grants under subparagraph (A) on a  
25           competitive basis, pursuant to the recommenda-



## I-122

1 tions of the Pacific Region Educational Labora-  
2 tory in Honolulu, Hawaii.

3 “(C) TERMINATION OF ELIGIBILITY.—Not-  
4 withstanding any other provision of law, the  
5 freely associated States shall not receive any  
6 funds under this part after September 30,  
7 2001.

8 “(D) ADMINISTRATIVE COSTS.—The Sec-  
9 retary may provide not more than five percent  
10 of the amount reserved for grants under this  
11 paragraph to pay the administrative costs of  
12 the Pacific Region Educational Laboratory  
13 under subparagraph (B).

14 “(4) SPECIAL RULE.—The provisions of Public  
15 Law 95–134, permitting the consolidation of grants  
16 by the outlying areas, shall not apply to funds pro-  
17 vided to those areas or to the freely associated  
18 States under this section.

19 “(c) DEFINITIONS.—For the purposes of subsection  
20 (a) and (b)—

21 “(1) the term ‘freely associated States’ means  
22 the Republic of the Marshall Islands, the Federated  
23 States of Micronesia, and the Republic of Palau; and

24 “(2) the term ‘outlying area’ means the United  
25 States Virgin Islands, Guam, American Samoa, and



## I-123

1 the Commonwealth of the Northern Mariana Is-  
2 lands.

3 “(d) ALLOTMENT TO THE SECRETARY OF THE INTE-  
4 RIOR.—

5 “(1) IN GENERAL.—The amount allotted for  
6 payments to the Secretary of the Interior under sub-  
7 section (a)(2) for any fiscal year shall be, as deter-  
8 mined pursuant to criteria established by the Sec-  
9 retary, the amount necessary to meet the special  
10 educational needs of—

11 “(A) Indian children on reservations served  
12 by elementary and secondary schools for Indian  
13 children operated or supported by the Depart-  
14 ment of the Interior; and

15 “(B) out-of-State Indian children in ele-  
16 mentary and secondary schools in local edu-  
17 cational agencies under special contracts with  
18 the Department of the Interior.

19 “(2) PAYMENTS.—From the amount allotted  
20 for payments to the Secretary of the Interior under  
21 subsection (a)(2), the Secretary of the Interior shall  
22 make payments to local educational agencies, upon  
23 such terms as the Secretary determines will best  
24 carry out the purposes of this part, with respect to  
25 out-of-State Indian children described in paragraph



## I-124

1 (1). The amount of such payment may not exceed,  
2 for each such child, the greater of—

3 “(A) 40 percent of the average per pupil  
4 expenditure in the State in which the agency is  
5 located; or

6 “(B) 48 percent of such expenditure in the  
7 United States.

8 Section 1122 is amended to read as follows:

9 **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-**  
10 **TION GRANTS, AND TARGETED GRANTS.**

11 “(a) ALLOCATION FORMULA.—Of the amount au-  
12 thorized to be appropriated to carry out this part for each  
13 of fiscal years 2000 through 2004 (referred to in this sub-  
14 section as the current fiscal year)—

15 “(1) an amount equal to the amount appro-  
16 priated to carry out section 1124 for fiscal year  
17 1999 plus 42.5 percent of the amount, if any, by  
18 which the amount appropriated under section  
19 1002(a) for the current fiscal year exceeds the  
20 amount appropriated under such section for fiscal  
21 year 1999 shall be allocated in accordance with sec-  
22 tion 1124;

23 “(2) an amount equal to the amount appro-  
24 priated to carry out section 1124A for fiscal year  
25 1999 plus 7.5 percent of the amount, if any, by



## I-125

1 which the amount appropriated under section  
2 1002(a) for the current fiscal year exceeds the  
3 amount appropriated under such section for fiscal  
4 year 1999 shall be allocated in accordance with sec-  
5 tion 1124A; and

6 “(3) an amount equal to 50 percent of the  
7 amount, if any, by which the amount appropriated  
8 under section 1002(a) for the current fiscal year ex-  
9 ceeds the amount appropriated under such section  
10 for fiscal year 1999 shall be allocated in accordance  
11 with section 1125.

12 “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-  
13 PROPRIATIONS.—

14 “(1) IN GENERAL.—If the sums available under  
15 this part for any fiscal year are insufficient to pay  
16 the full amounts that all local educational agencies  
17 in States are eligible to receive under sections 1124,  
18 1124A, and 1125 for such year, the Secretary shall  
19 ratably reduce the allocations to such local edu-  
20 cational agencies, subject to subsections (c) and (d)  
21 of this section.

22 “(2) ADDITIONAL FUNDS.—If additional funds  
23 become available for making payments under sec-  
24 tions 1124, 1124A, and 1125 for such fiscal year,  
25 allocations that were reduced under paragraph (1)



## I-126

1 shall be increased on the same basis as they were re-  
2 duced.

3 “(c) HOLD-HARMLESS AMOUNTS.—

4 “(1) AMOUNTS FOR SECTIONS 1124 AND 1125.—

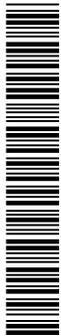
5 For each fiscal year, the amount made available to  
6 each local educational agency under each of sections  
7 1124 and 1125 shall be—

8 “(A) not less than 95 percent of the  
9 amount made available in the preceding fiscal  
10 year if the number of children counted for  
11 grants under section 1124 is not less than 30  
12 percent of the total number of children aged 5  
13 to 17 years, inclusive, in the local educational  
14 agency;

15 “(B) not less than 90 percent of the  
16 amount made available in the preceding fiscal  
17 year if the percentage described in subpara-  
18 graph (A) is between 15 percent and 30 per-  
19 cent; and

20 “(C) not less than 85 percent of the  
21 amount made available in the preceding fiscal  
22 year if the percentage described in subpara-  
23 graph (A) is below 15 percent.

24 “(2) AMOUNT FOR SECTION 1124A.—The  
25 amount made available to each local educational



## I-127

1 agency under section 1124A shall be not less than  
2 85 percent of the amount made available in the pre-  
3 ceding fiscal year.

4 “(3) PAYMENTS.—If sufficient funds are appro-  
5 priated, the amounts described in paragraph (2)  
6 shall be paid to all local educational agencies that  
7 received grants under section 1124A for the pre-  
8 ceding fiscal year, regardless of whether the local  
9 educational agency meets the minimum eligibility  
10 criteria for that fiscal year provided in section  
11 1124A(a)(1)(A) except that a local educational agen-  
12 cy that does not meet such minimum eligibility cri-  
13 teria for 4 consecutive years shall no longer be eligi-  
14 ble to receive a hold harmless amount referred to in  
15 paragraph (2).

16 “(4) POPULATION DATA.—In any fiscal year for  
17 which the Secretary calculates grants on the basis of  
18 population data for counties, the Secretary shall  
19 apply the hold harmless percentages in paragraphs  
20 (1) and (2) to counties, and if the Secretary’s alloca-  
21 tion for a county is not sufficient to meet the hold-  
22 harmless requirements of this subsection for every  
23 local educational agency within that county, the  
24 State educational agency shall reallocate funds pro-  
25 portionately from all other local educational agencies



## I-128

1 in the State that are receiving funds in excess of the  
2 hold harmless amounts specified in this subsection.

3 “(d) RATABLE REDUCTIONS.—

4 “(1) IN GENERAL.—If the sums made available  
5 under this part for any fiscal year are insufficient to  
6 pay the full amounts that all States are eligible to  
7 receive under subsection (c) for such year, the Sec-  
8 retary shall ratably reduce such amounts for such  
9 year.

10 “(2) ADDITIONAL FUNDS.—If additional funds  
11 become available for making payments under sub-  
12 section (c) for such fiscal year, amounts that were  
13 reduced under paragraph (1) shall be increased on  
14 the same basis as such amounts were reduced.

15 “(e) DEFINITION.—For the purpose of this section  
16 and sections 1124, 1124A, and 1125, the term ‘State’  
17 means each of the 50 States, the District of Columbia,  
18 and the Commonwealth of Puerto Rico.

19 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**  
20 **CIES.**

21 “(a) AMOUNT OF GRANTS.—

22 “(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-  
23 CIES AND PUERTO RICO.—Except as provided in  
24 paragraph (4) and in section 1126, the grant that  
25 a local educational agency is eligible to receive under



## I-129

1 this section for a fiscal year is the amount deter-  
2 mined by multiplying—

3 “(A) the number of children counted under  
4 subsection (c); and

5 “(B) 40 percent of the average per-pupil  
6 expenditure in the State, except that the  
7 amount determined under this subparagraph  
8 shall not be less than 32 percent or more than  
9 48 percent, of the average per-pupil expenditure  
10 in the United States.

11 “(2) CALCULATION OF GRANTS.—

12 “(A) ALLOCATIONS TO LOCAL EDU-  
13 CATIONAL AGENCIES.—The Secretary shall cal-  
14 culate grants under this section on the basis of  
15 the number of children counted under sub-  
16 section (c) for local educational agencies, unless  
17 the Secretary and the Secretary of Commerce  
18 determine that some or all of those data are un-  
19 reliable or that their use would be otherwise in-  
20 appropriate, in which case—

21 “(i) the 2 Secretaries shall publicly  
22 disclose the reasons for their determination  
23 in detail; and

24 “(ii) paragraph (3) shall apply.



## I-130

1           “(B) ALLOCATIONS TO LARGE AND SMALL  
2 LOCAL EDUCATIONAL AGENCIES.—(i) For any  
3 fiscal year in which this paragraph applies, the  
4 Secretary shall calculate grants under this sec-  
5 tion for each local educational agency.

6           “(ii) The amount of a grant under this  
7 section for each large local educational agency  
8 shall be the amount determined under clause  
9 (i).

10           “(iii) For small local educational agencies,  
11 the State educational agency may either—

12           “(I) distribute grants under this sec-  
13 tion in amounts determined by the Sec-  
14 retary under clause (i); or

15           “(II) use an alternative method ap-  
16 proved by the Secretary to distribute the  
17 portion of the State’s total grants under  
18 this section that is based on those small  
19 agencies.

20           “(iv) An alternative method under clause  
21 (iii)(II) shall be based on population data that  
22 the State educational agency determines best  
23 reflect the current distribution of children in  
24 poor families among the State’s small local edu-



## I-131

1 educational agencies that meet the eligibility cri-  
2 teria of subsection (b).

3 “(v) If a small local educational agency is  
4 dissatisfied with the determination of its grant  
5 by the State educational agency under clause  
6 (iii)(II), it may appeal that determination to the  
7 Secretary, who shall respond not later than 45  
8 days after receipt of such appeal.

9 “(vi) As used in this subparagraph—

10 “(I) the term ‘large local educational  
11 agency’ means a local educational agency  
12 serving an area with a total population of  
13 20,000 or more; and

14 “(II) the term ‘small local educational  
15 agency’ means a local educational agency  
16 serving an area with a total population of  
17 less than 20,000.

18 “(3) ALLOCATIONS TO COUNTIES.—(A) For any  
19 fiscal year to which this paragraph applies, the Sec-  
20 retary shall calculate grants under this section on  
21 the basis of the number of children counted under  
22 section 1124(c) for counties, and State educational  
23 agencies shall suballocate county amounts to local  
24 educational agencies, in accordance with regulations  
25 issued by the Secretary.



## I-132

1           “(B) In any State in which a large number of  
2 local educational agencies overlap county boundaries,  
3 or for which the State believes it has data that  
4 would better target funds than allocating them by  
5 county, the State educational agency may apply to  
6 the Secretary for authority to make the allocations  
7 under this part for a particular fiscal year directly  
8 to local educational agencies without regard to coun-  
9 ties.

10           “(C) If the Secretary approves the State edu-  
11 cational agency’s application under subparagraph  
12 (B), the State educational agency shall provide the  
13 Secretary an assurance that such allocations shall be  
14 made—

15           “(i) using precisely the same factors for  
16 determining a grant as are used under this  
17 part; or

18           “(ii) using data that the State educational  
19 agency submits to the Secretary for approval  
20 that more accurately target poverty.

21           “(D) The State educational agency shall pro-  
22 vide the Secretary an assurance that it shall estab-  
23 lish a procedure through which a local educational  
24 agency that is dissatisfied with its determinations



## I-133

1 under subparagraph (B) may appeal directly to the  
2 Secretary for a final determination.

3 “(4) PUERTO RICO.—For each fiscal year, the  
4 grant which the Commonwealth of Puerto Rico shall  
5 be eligible to receive under this section shall be the  
6 amount determined by multiplying the number of  
7 children counted under subsection (c) for the Com-  
8 monwealth of Puerto Rico by the product of—

9 “(A) the percentage which the average per  
10 pupil expenditure in the Commonwealth of  
11 Puerto Rico is of the lowest average per pupil  
12 expenditure of any of the 50 States;

13 “(B) 32 percent of the average per pupil  
14 expenditure in the United States; and

15 “(C) the percentage in subparagraph (A)  
16 shall not be less than—

17 “(i) for fiscal year 2000, 75.0 percent;

18 “(ii) for fiscal year 2001, 77.5 per-  
19 cent;

20 “(iii) for fiscal year 2002, 80.0 per-  
21 cent;

22 “(iv) for fiscal year 2003, 82.5 per-  
23 cent;

24 “(v) for fiscal year 2004 and suc-  
25 ceeding fiscal years, 85.0 percent.



## I-134

1 Except that application of this paragraph may not  
2 result in any of the 50 States or the District of Co-  
3 lumbia receiving less under this part than it received  
4 under this part for the preceding fiscal year.

5 “(5) DEFINITION.—For purposes of this sub-  
6 section, the term “State” does not include Guam,  
7 American Samoa, the Virgin Islands, and the North-  
8 ern Mariana Islands.

9 “(b) MINIMUM NUMBER OF CHILDREN TO QUAL-  
10 IFY.—A local educational agency is eligible for a basic  
11 grant under this section for any fiscal year only if the  
12 number of children counted under subsection (c) for that  
13 agency is both—

14 “(1) 10 or more; and

15 “(2) more than 2 percent of the total school-age  
16 population in the agency’s jurisdiction.

17 “(c) CHILDREN TO BE COUNTED.—

18 “(1) CATEGORIES OF CHILDREN.—The number  
19 of children to be counted for purposes of this section  
20 is the aggregate of—

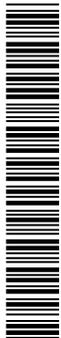
21 “(A) the number of children aged 5 to 17,  
22 inclusive, in the school district of the local edu-  
23 cational agency from families below the poverty  
24 level as determined under paragraph (2); and



## I-135

1           “(B) the number of children (determined  
2           under paragraph (4) for either the preceding  
3           year as described in that paragraph, or for the  
4           second preceding year, as the Secretary finds  
5           appropriate) aged 5 to 17, inclusive, in the  
6           school district of such agency in institutions for  
7           neglected and delinquent children (other than  
8           such institutions operated by the United  
9           States), but not counted pursuant to subpart 1  
10          of part D for the purposes of a grant to a State  
11          agency, or being supported in foster homes with  
12          public funds.

13           “(2) DETERMINATION OF NUMBER OF CHIL-  
14          DREN.—For the purposes of this section, the Sec-  
15          retary shall determine the number of children aged  
16          5 to 17, inclusive, from families below the poverty  
17          level on the basis of the most recent satisfactory  
18          data, described in paragraph (3), available from the  
19          Department of Commerce. The District of Columbia  
20          and the Commonwealth of Puerto Rico shall be  
21          treated as individual local educational agencies. If a  
22          local educational agency contains two or more coun-  
23          ties in their entirety, then each county will be treat-  
24          ed as if such county were a separate local edu-  
25          cational agency for purposes of calculating grants



## I-136

1 under this part. The total of grants for such coun-  
2 ties shall be allocated to such a local educational  
3 agency, which local educational agency shall dis-  
4 tribute to schools in each county within such agency  
5 a share of the local educational agency's total grant  
6 that is no less than the county's share of the popu-  
7 lation counts used to calculate the local educational  
8 agency's grant.

9 “(3) POPULATION UPDATES.—In fiscal year  
10 2001 and every 2 years thereafter, the Secretary  
11 shall use updated data on the number of children,  
12 aged 5 to 17, inclusive, from families below the pov-  
13 erty level for local educational agencies or counties,  
14 published by the Department of Commerce, unless  
15 the Secretary and the Secretary of Commerce deter-  
16 mine that use of the updated population data would  
17 be inappropriate or unreliable. If the Secretary and  
18 the Secretary of Commerce determine that some or  
19 all of the data referred to in this paragraph are in-  
20 appropriate or unreliable, they shall publicly disclose  
21 their reasons. In determining the families which are  
22 below the poverty level, the Secretary shall utilize  
23 the criteria of poverty used by the Bureau of the  
24 Census in compiling the most recent decennial cen-  
25 sus, in such form as those criteria have been up-



## I-137

1       dated by increases in the Consumer Price Index for  
2       all urban consumers, published by the Bureau of  
3       Labor Statistics.

4               “(4) OTHER CHILDREN TO BE COUNTED.—The  
5       Secretary shall determine the number of children  
6       aged 5 through 17 living in institutions for neglected  
7       or delinquent children, or being supported in foster  
8       homes with public funds, on the basis of the case-  
9       load data for the month of October of the preceding  
10      fiscal year or, to the extent that such data are not  
11      available to the Secretary before January of the cal-  
12      endar year in which the Secretary’s determination is  
13      made, then on the basis of the most recent reliable  
14      data available to the Secretary at the time of such  
15      determination. The Secretary of Health and Human  
16      Services shall collect and transmit the information  
17      required by this subparagraph to the Secretary not  
18      later than January 1 of each year. For the purpose  
19      of this section, the Secretary shall consider all chil-  
20      dren who are in correctional institutions to be living  
21      in institutions for delinquent children.

22              “(5) ESTIMATE.—When requested by the Sec-  
23      retary, the Secretary of Commerce shall make a spe-  
24      cial updated estimate of the number of children of  
25      such ages who are from families below the poverty



## I-138

1 level (as determined under subparagraph (A) of this  
2 paragraph) in each school district, and the Secretary  
3 is authorized to pay (either in advance or by way of  
4 reimbursement) the Secretary of Commerce the cost  
5 of making this special estimate. The Secretary of  
6 Commerce shall give consideration to any request of  
7 the chief executive of a State for the collection of ad-  
8 ditional census information.

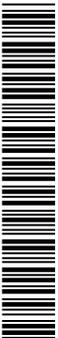
9 “(d) STATE MINIMUM.—Notwithstanding section  
10 1122, the aggregate amount allotted for all local edu-  
11 cational agencies within a State may not be less than the  
12 lesser of—

13 “(1) 0.25 percent of total grants under this sec-  
14 tion; or

15 “(2) the average of—

16 “(A) one-quarter of 1 percent of the total  
17 amount available for such fiscal year under this  
18 section; and

19 “(B) the number of children in such State  
20 counted under subsection (c) in the fiscal year  
21 multiplied by 150 percent of the national aver-  
22 age per pupil payment made with funds avail-  
23 able under this section for that year.



## I-139

1 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-**  
2 **CATIONAL AGENCIES.**

3 “(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

4 “(1) IN GENERAL.—(A) Except as otherwise  
5 provided in this paragraph, each local educational  
6 agency, in a State other than Guam, American  
7 Samoa, the Virgin Islands, and the Commonwealth  
8 of the Northern Mariana Islands, which is eligible  
9 for a grant under section 1124 for any fiscal year  
10 is eligible for an additional grant under this section  
11 for that fiscal year if the number of children counted  
12 under section 1124(c) in the agency exceeds either—

13 “(i) 6,500; or

14 “(ii) 15 percent of the total number of  
15 children aged 5 through 17 in the agency.

16 “(B) Notwithstanding section 1122, no State  
17 described in subparagraph (A) shall receive less than  
18 the lesser of—

19 “(i) 0.25 percent of total grants; or

20 “(ii) the average of—

21 “(I) one-quarter of 1 percent of the  
22 sums available to carry out this section for  
23 such fiscal year; and

24 “(II) the greater of—

25 “(aa) \$340,000; or



## I-140

1                   “(bb) the number of children in  
2                   such State counted for purposes of  
3                   this section in that fiscal year multi-  
4                   plied by 150 percent of the national  
5                   average per pupil payment made with  
6                   funds available under this section for  
7                   that year.

8                   “(2) SPECIAL RULE.—For each county or local  
9                   educational agency eligible to receive an additional  
10                  grant under this section for any fiscal year the Sec-  
11                  retary shall determine the product of—

12                   “(A) the number of children counted under  
13                   section 1124(c) for that fiscal year; and

14                   “(B) the quotient resulting from the divi-  
15                   sion of the amount determined for those agen-  
16                   cies under section 1124(a)(1) for the fiscal year  
17                   for which the determination is being made di-  
18                   vided by the total number of children counted  
19                   under section 1124(c) for that agency for that  
20                   fiscal year.

21                   “(3) AMOUNT.—The amount of the additional  
22                   grant for which an eligible local educational agency  
23                   or county is eligible under this section for any fiscal  
24                   year shall be an amount which bears the same ratio  
25                   to the amount available to carry out this section for



## I-141

1 that fiscal year as the product determined under  
2 paragraph (2) for such local educational agency for  
3 that fiscal year bears to the sum of such products  
4 for all local educational agencies in the United  
5 States for that fiscal year.

6 “(4) LOCAL ALLOCATIONS.—(A) Grant  
7 amounts under this section shall be determined in  
8 accordance with section 1124(a)(2) and (3).

9 “(B) For any fiscal year for which the Sec-  
10 retary allocates funds under this section on the basis  
11 of counties, a State may reserve not more than 2  
12 percent of its allocation under this section for any  
13 fiscal year to make grants to local educational agen-  
14 cies that meet the criteria of paragraph (1)(A)(i) or  
15 (ii) but that are in ineligible counties that do not  
16 meet these criteria.

17 “(b) STATES RECEIVING MINIMUM GRANTS.—In  
18 States that receive the minimum grant under subsection  
19 (a)(1)(B), the State educational agency shall allocate such  
20 funds among the local educational agencies in each State  
21 either—

22 “(1) in accordance with paragraphs (2) and (4)  
23 of subsection (a); or

24 “(2) based on their respective concentrations  
25 and numbers of children counted under section



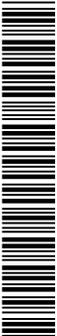
## I-142

1 1124(c), except that only those local educational  
2 agencies with concentrations or numbers of children  
3 counted under section 1124(c) that exceed the state-  
4 wide average percentage of such children or the  
5 statewide average number of such children shall re-  
6 ceive any funds on the basis of this paragraph.

7 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**  
8 **AGENCIES.**

9 “(a) **ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-**  
10 **CIES.**—A local educational agency in a State is eligible to  
11 receive a targeted grant under this section for any fiscal  
12 year if the number of children in the local educational  
13 agency counted under subsection 1124(c), before applica-  
14 tion of the weighting factor described in subsection (c),  
15 is at least 10, and if the number of children counted for  
16 grants under section 1124 is at least 5 percent of the total  
17 population aged 5 to 17 years, inclusive, in the local edu-  
18 cational agency. Funds made available as a result of ap-  
19 plying this subsection shall be reallocated by the State  
20 educational agency to other eligible local educational agen-  
21 cies in the State in proportion to the distribution of other  
22 funds under this section.

23 “(b) **GRANTS FOR LOCAL EDUCATIONAL AGENCIES,**  
24 **THE DISTRICT OF COLUMBIA, AND PUERTO RICO.**—



## I-143

1           “(1) IN GENERAL.—The amount of the grant  
2           that a local educational agency in a State or that the  
3           District of Columbia is eligible to receive under this  
4           section for any fiscal year shall be the product of—

5                   “(A) the weighted child count determined  
6                   under subsection (c); and

7                   “(B) the amount in paragraph  
8                   1124(a)(1)(B).

9           “(2) PUERTO RICO.—For each fiscal year, the  
10           amount of the grant for which the Commonwealth of  
11           Puerto Rico is eligible under this section shall be  
12           equal to the number of children counted under sub-  
13           section (c) for Puerto Rico, multiplied by the  
14           amount determined in subparagraph 1124(a)(4).

15           “(c) WEIGHTED CHILD COUNT.—

16                   “(1) WEIGHTS FOR ALLOCATIONS TO COUN-  
17                   TRIES.—

18                   “(A) IN GENERAL.—For each fiscal year  
19                   for which the Secretary uses county population  
20                   data to calculate grants, the weighted child  
21                   count used to determine a county’s allocation  
22                   under this section is the larger of the two  
23                   amounts determined under clause (i) or (ii), as  
24                   follows:



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1                   “(i) BY PERCENTAGE OF CHIL-  
2                   DREN.—This amount is determined by  
3                   adding—

4                   “(I) the number of children de-  
5                   termined under section 1124(c) for  
6                   that county constituting up to 12.20  
7                   percent, inclusive, of the county’s total  
8                   population aged 5 to 17, inclusive,  
9                   multiplied by 1.0;

10                  “(II) the number of such children  
11                  constituting more than 12.20 percent,  
12                  but not more than 17.70 percent, of  
13                  such population, multiplied by 1.75;

14                  “(III) the number of such chil-  
15                  dren constituting more than 17.70  
16                  percent, but not more than 22.80 per-  
17                  cent, of such population, multiplied by  
18                  2.5;

19                  “(IV) the number of such chil-  
20                  dren constituting more than 22.80  
21                  percent, but not more than 29.70 per-  
22                  cent, of such population, multiplied by  
23                  3.25; and



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1                   “(V) the number of such children  
2                   constituting more than 29.70 percent  
3                   of such population, multiplied by 4.0.

4                   “(ii) BY NUMBER OF CHILDREN.—

5                   This amount is determined by adding—

6                   “(I) the number of children de-  
7                   termined under section 1124(c) con-  
8                   stituting up to 1,917, inclusive, of the  
9                   county’s total population aged 5 to  
10                  17, inclusive, multiplied by 1.0;

11                  “(II) the number of such children  
12                  between 1,918 and 5,938, inclusive, in  
13                  such population, multiplied by 1.5;

14                  “(III) the number of such chil-  
15                  dren between 5,939 and 20,199, inclu-  
16                  sive, in such population, multiplied by  
17                  2.0;

18                  “(IV) the number of such chil-  
19                  dren between 20,200 and 77,999, in-  
20                  clusive, in such population, multiplied  
21                  by 2.5; and

22                  “(V) the number of such children  
23                  in excess of 77,999 in such popu-  
24                  lation, multiplied by 3.0.



## I-146

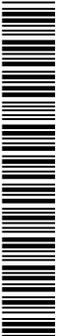
1           “(B) PUERTO RICO.—Notwithstanding  
2 subparagraph (A), the weighting factor for  
3 Puerto Rico under this paragraph shall not be  
4 greater than the total number of children  
5 counted under subsection 1124(c) multiplied by  
6 1.72.

7           “(2) WEIGHTS FOR ALLOCATIONS TO LOCAL  
8 EDUCATIONAL AGENCIES.—

9           “(A) IN GENERAL.—For each fiscal year  
10 for which the Secretary uses local educational  
11 agency data, the weighted child count used to  
12 determine a local educational agency’s grant  
13 under this section is the larger of the two  
14 amounts determined under clauses (i) and (ii),  
15 as follows:

16           “(i) BY PERCENTAGE OF CHIL-  
17 DREN.—This amount is determined by  
18 adding—

19           “(I) the number of children de-  
20 termined under section 1124(c) for  
21 that local educational agency consti-  
22 tuting up to 14.265 percent, inclusive,  
23 of the agency’s total population aged  
24 5 to 17, inclusive, multiplied by 1.0;



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1                   “(II) the number of such children  
 2                   constituting more than 14.265 per-  
 3                   cent, but not more than 21.553 per-  
 4                   cent, of such population, multiplied by  
 5                   1.75;

6                   “(III) the number of such chil-  
 7                   dren constituting more than 21.553  
 8                   percent, but not more than 29.223  
 9                   percent, of such population, multiplied  
 10                  by 2.5;

11                  “(IV) the number of such chil-  
 12                  dren constituting more than 29.223  
 13                  percent, but not more than 36.538  
 14                  percent, of such population, multiplied  
 15                  by 3.25; and

16                  “(V) the number of such children  
 17                  constituting more than 36.538 percent  
 18                  of such population, multiplied by 4.0.

19                  “(ii) BY NUMBER OF CHILDREN.—  
 20                  This amount is determined by adding—

21                  “(I) the number of children de-  
 22                  termined under section 1124(c) con-  
 23                  stituting up to 575, inclusive, of the  
 24                  agency’s total population aged 5 to  
 25                  17, inclusive, multiplied by 1.0;



## I-148

1 “(II) the number of such children  
2 between 576 and 1,870, inclusive, in  
3 such population, multiplied by 1.5;

4 “(III) the number of such chil-  
5 dren between 1,871 and 6,910, inclu-  
6 sive, in such population, multiplied by  
7 2.0;

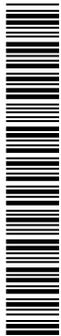
8 “(IV) the number of such chil-  
9 dren between 6,911 and 42,000, inclu-  
10 sive, in such population, multiplied by  
11 2.5; and

12 “(V) the number of such children  
13 in excess of 42,000 in such popu-  
14 lation, multiplied by 3.0.

15 “(B) PUERTO RICO.—Notwithstanding  
16 subparagraph (A), the weighting factor for  
17 Puerto Rico under this paragraph shall not be  
18 greater than the total number of children  
19 counted under section 1124(c) multiplied by  
20 1.72.

21 “(d) CALCULATION OF GRANT AMOUNTS.—Grants  
22 under this section shall be calculated in accordance with  
23 section 1124(a)(2) and (3).

24 “(e) STATE MINIMUM.—Notwithstanding any other  
25 provision of this section or section 1122, from the total



## I-149

1 amount available for any fiscal year to carry out this sec-  
2 tion, each State shall be allotted at least the lesser of—

3 “(1) 0.25 percent of total appropriations; or

4 “(2) the average of—

5 “(A) one-quarter of 1 percent of the total  
6 amount available to carry out this section; and

7 “(B) 150 percent of the national average  
8 grant under this section per child described in  
9 section 1124(c), without application of a  
10 weighting factor, multiplied by the State’s total  
11 number of children described in section  
12 1124(c), without application of a weighting fac-  
13 tor.

14 **“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

15 “(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

16 “(1) IN GENERAL.—If a State educational  
17 agency determines that a local educational agency in  
18 the State is unable or unwilling to provide for the  
19 special educational needs of children who are living  
20 in institutions for neglected children as described in  
21 subparagraph 1124(c)(1)(C), the State educational  
22 agency shall, if such agency assumes responsibility  
23 for the special educational needs of such children,  
24 receive the portion of such local educational agency’s



## I-150

1 allocation under sections 1124, 1124A, and 1125  
2 that is attributable to such children.

3 “(2) SPECIAL RULE.—If the State educational  
4 agency does not assume such responsibility, any  
5 other State or local public agency that does assume  
6 such responsibility shall receive that portion of the  
7 local educational agency’s allocation.

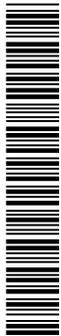
8 “(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL  
9 AGENCIES.—The State educational agency may allocate  
10 the amounts of grants under sections 1124, 1124A, and  
11 1125 among the affected local educational agencies—

12 “(1) if two or more local educational agencies  
13 serve, in whole or in part, the same geographical  
14 area;

15 “(2) if a local educational agency provides free  
16 public education for children who reside in the  
17 school district of another local educational agency;  
18 or

19 “(3) to reflect the merger, creation, or change  
20 of boundaries of one or more local educational agen-  
21 cies.

22 “(c) REALLOCATION.—If a State educational agency  
23 determines that the amount of a grant a local educational  
24 agency would receive under sections 1124, 1124A, and  
25 1125 is more than such local agency will use, the State



## I-151

- 1 educational agency shall make the excess amount available
- 2 to other local educational agencies in the State that need
- 3 additional funds in accordance with criteria established by
- 4 the State educational agency.

